A BILL FOR AN ACT

RELATING TO INCOME TAX.

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

- 1 SECTION 1. Chapter 235, Hawaii Revised Statutes, is
- 2 amended by adding a new section to be appropriately designated
- 3 and to read as follows:
- 4 "<u>\$235-</u> Tax credit for teacher expenses. (a) There
- 5 shall be allowed to each qualifying taxpayer subject to the tax
- 6 imposed by this chapter, a tax credit for qualifying expenses
- 7 that shall be deductible from the taxpayer's net income tax
- 8 liability, if any, imposed by this chapter for the taxable year
- 9 in which the credit is properly claimed.
- (b) The amount of the tax credit shall be equal to eighty
- 11 per cent of the amount expended for qualifying expenses in a
- 12 taxable year; provided that the credit shall not exceed \$500 per
- 13 <u>taxable year.</u>
- (c) If the tax credit claimed by the taxpayer under this
- 15 <u>section exceeds the amount of the income tax payments due from</u>
- 16 the taxpayer, the excess of the credit over liability may be

1 used as a credit against the taxpayer's income tax liability in 2 subsequent years until exhausted. 3 No other tax credit or deduction shall be claimed 4 under this chapter for qualifying expenses for the taxable year. 5 (e) The director of taxation shall: 6 (1) Prepare such forms as may be necessary to claim a 7 credit under this section; 8 (2) May require proof of the claim for the tax credit; and 9 (3) May adopt rules pursuant to chapter 91. 10 (f) Claims for the tax credit under this section, 11 including any amended claims, shall be filed on or before the 12 end of the twelfth month following the taxable year for which 13 the credit may be claimed. Failure to comply with the foregoing 14 provision shall constitute a waiver of the right to claim the 15 credit. 16 (g) As used in this section: 17 "Qualifying expenses" means expenses paid or incurred by a 18 qualifying taxpayer in connection with books; supplies, other 19 than nonathletic supplies for courses of instruction in health 20 or physical education; computer equipment, including related

1 software and services and other equipment; and supplementary 2 materials used by the qualifying taxpayer in the classroom. 3 "Qualifying taxpayer" means an individual employed by the 4 department of education, a charter school, or a private school 5 in the State as a prekindergarten or kindergarten through 6 twelfth-grade teacher for at least nine hundred hours during the 7 tax year." 8 SECTION 2. Section 235-1, Hawaii Revised Statutes, is 9 amended by adding a new definition to be appropriately inserted 10 and to read as follows: ""Cost-of-living adjustment factor" means a factor 11 12 calculated by adding 1.0 to the percentage change in the Urban 13 Hawaii Consumer Price Index for all items, as published by the 14 United States Department of Labor, from July of the prior 15 calendar year to July of the current calendar year; provided 16 that if the Urban Hawaii Consumer Price Index is discontinued, the Chained Consumer Price Index for all urban areas for all 17 18 items, as published by the United States Department of Labor, 19 shall be used to calculate the cost-of-living adjustment

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factor."

1 SECTION 3. Section 235-2.4, Hawaii Revised Statutes, is 2 amended as follows: 3 1. By amending subsection (a) to read: 4 Section 63 (with respect to taxable income defined) 5 of the Internal Revenue Code shall be operative for the purposes 6 of this chapter, subject to the following: 7 (1)Section 63(c)(1)(B) (relating to the additional standard deduction), 63(c)(1)(C) (relating to the real 8 9 property tax deduction), 63(c)(1)(D) (relating to the 10 disaster loss deduction), 63(c)(1)(E) (relating to the 11 motor vehicle sales tax deduction), 63(c)(4) (relating 12 to inflation adjustments), 63(c)(7) (defining the real 13 property tax deduction), 63(c)(8) (defining the 14 disaster loss deduction), 63(c)(9) (defining the motor 15 vehicle sales tax deduction), and 63(f) (relating to 16 additional amounts for the aged or blind) of the 17 Internal Revenue Code shall not be operative for 18 purposes of this chapter; 19 (2) Section 63(c)(2) (relating to the basic standard 20 deduction) of the Internal Revenue Code shall be

1	oper	ative	[, except that the standard deduction amounts
2	prov	covided therein shall instead mean:	
3	(A)	\$4,400 in the case of:	
4		(i)	A joint return as provided by section 235-
5			93; or
6		(ii)	A surviving spouse (as defined in section
7			2(a) of the Internal Revenue Code);
8	(B)	\$3,2	12 in the case of a head of household (as
9		defi	ned in section 2(b) of the Internal Revenue
10		Code) ;
11	(C)	\$2,2	00 in the case of an individual who is not
12		married and who is not a surviving spouse or head	
13		of household; or	
14	(D)	\$2,200 in the case of a married individual filing	
15		a separate return;]; provided that:	
16	(A)	The standard deduction amounts provided therein	
17		shall instead mean:	
18		(i) \$10,000 in the case of a joint return as	
19			provided by section 235-93 or a surviving
20			spouse (as defined in section 2(a) of the
21			Internal Revenue Code);

1	<u>(ii)</u>	\$7,500 in the case of a head of household		
2		(as defined in section 2(b) of the Internal		
3		Revenue Code);		
4	<u>(iii)</u>	\$5,000 in the case of an individual who is		
5		not married and who is not a surviving		
6		spouse or head of household; or		
7	<u>(iv)</u>	\$5,000 in the case of a married individual		
8		filing a separate return; and		
9	(B) For e	each taxable year beginning on or after		
10	Janua	January 1, 2024, the director shall, no later		
11	than	than December 15 of the preceding calendar year,		
12	recom	pute the standard deduction amounts by		
13	multi	multiplying the dollar amounts for the previous		
14	tax y	tax year by the cost-of-living adjustment factor,		
15	if th	if the cost-of-living adjustment factor is		
16	great	greater than zero, and rounding off the resulting		
17	produ	product to the nearest \$1; provided further that		
18	if th	if the cost-of-living adjustment factor is less		
19	than	than zero in a given year, then no adjustment		
20	will occur in the following year;			

1	(3)	section 65(c)(5) (ilmiting the basic standard
2		deduction in the case of certain dependents) of the
3		Internal Revenue Code shall be operative, except that
4		the limitation shall be the greater of \$500 or the
5		individual's earned income; and
6	(4)	The standard deduction amount for nonresidents shall
7		be calculated pursuant to section 235-5."
8	2.	By amending subsection (c) to read:
9	"(C)	Section 68 (with respect to the overall limitation on
10	itemized o	deductions) of the Internal Revenue Code shall be
11	operative	; provided that [the]:
12	(1)	[Thresholds] The thresholds shall be [those] the
13		applicable amounts under section 68(b)(1) of the
14		Internal Revenue Code that were operative for federal
15		tax year [2009; and] <u>2013;</u>
16	(2)	For each taxable year beginning on or after January 1,
17		2024, the director of taxation shall, no later than
18		December 15 of the preceding calendar year, recompute
19		the threshold amounts by multiplying the dollar
20		amounts for the previous tax year by the cost-of-
21		living adjustment factor, if the cost-of-living

1		adjustment factor is greater than zero, and rounding
2		off the resulting product to the nearest \$1; provided
3		further that if the cost-of-living adjustment factor
4		is less than zero in a given year, then no adjustment
5		will occur in the following year; and
6	[(2)]	(3) Suspension in section 68(f) shall not be
7		operative for purposes of this chapter."
8	3.	By amending subsection (k) to read:
9	"(k)	Section 164 (with respect to taxes) of the Internal
10	Revenue Co	ode shall be operative for the purposes of this
11	chapter,	except that:
12	(1)	Section 164(b)(6)(B) (limiting the deduction for state
13		and local taxes) shall not be operative for the
14		purposes of this chapter;
15	(2)	The deductions under section 164(a)(3) and (b)(5)
16		shall not be operative for corporate taxpayers [and
17		shall be operative only for the following individual
18		taxpayers:
19		(A) A taxpayer filing a single return or a married
20		person filing separately with a federal adjusted
21		gross income of less than \$100,000;

1		(B)	A taxpayer filing as a h	nead of household with a
2			federal adjusted gross i	ncome of less than
3			\$150,000; and	
4		(C) -	A taxpayer filing a joir	nt return or as a
5			surviving spouse with a	federal adjusted gross
6			income of less than \$200),000]; and
7	(3)	Sect	ion 164(a)(3) shall not b	pe operative for any
8		amou	nts for which the credit	under section 235-55 has
9		been	claimed."	
10	SECT	ION 4	. Section 235-51, Hawaii	Revised Statutes, is
11	amended t	o rea	d as follows:	
12	"§23	5-51	Tax imposed on individua	als; rates. (a) There is
13	hereby im	posed	on the taxable income of	every:
14	(1)	Taxp	ayer who files a joint re	eturn under section 235-
15		93;	and	
16	(2)	Surv	iving spouse,	
17	a tax det	ermin	ed in accordance with the	e following table:
18	[In	the c	ase of any taxable year k	oeginning after December
19	31, 2017:			
20		If t	he taxable income is:	The tax shall be:
21		Not	over \$4,800	1.40% of taxable income

1	Over \$4,800 but	\$67.00 plus 3.20% of
2	not over \$9,600	excess over \$4,800
3	Over \$9,600 but	\$221.00 plus 5.50% of
4	not over \$19,200	excess over \$9,600
5	Over \$19,200 but	\$749.00 plus 6.40% of
6	not over \$28,800	excess over \$19,200
7	Over \$28,800 but	\$1,363.00 plus 6.80% of
8	not over \$38,400	excess over \$28,800
9	Over \$38,400 but	\$2,016.00 plus 7.20% of
10	not over \$48,000	excess over \$38,400
11	Over \$48,000 but	\$2,707.00 plus 7.60% of
12	not over \$72,000	excess over \$48,000
13	Over \$72,000 but	\$4,531.00 plus 7.90% of
14	not over \$96,000	excess over \$72,000
15	Over \$96,000 but	\$6,427.00 plus 8.25% of
16	not over \$300,000	excess over \$96,000
17	Over \$300,000 but	\$23,257.00 plus 9.00% of
18	not over \$350,000	excess over \$300,000
19	Over \$350,000 but	\$27,757.00 plus 10.00% of
20	not over \$400,000	excess over \$350,000
21	Over \$400,000	\$32,757.00 plus 11.00% of

1		excess over \$400,000.]
2	In the case of any taxable year bed	ginning after
3	December 31, 2022:	
4	If the taxable income is:	The tax shall be:
5	Not over \$5,126	1.40% of taxable income
6	Over \$5,126 but	\$72.00 plus 3.20% of
7	not over \$10,253	excess over \$5,126
8	Over \$10,253 but	\$236.00 plus 5.50% of
9	not over \$20,506	excess over \$10,253
10	Over \$20,506 but	\$800.00 plus 6.40% of
11	not over \$30,758	excess over \$20,506
12	Over \$30,758 but	\$1,456.00 plus 6.80% of
13	not over \$41,011	excess over \$30,758
14	Over \$41,011 but	\$2,153.00 plus 7.20% of
15	not over \$51,264	excess over \$41,011
16	Over \$51,264 but	\$2,891.00 plus 7.60% of
17	not over \$76,896	excess over \$51,264
18	Over \$76,896 but	\$4,839.00 plus 7.90% of
19	not over \$102,528	excess over \$76,896
20	Over \$102,528 but	\$6,864.00 plus 8.25% of
21	not over \$320,400	excess over \$102,528

1	<u>C</u>	Over \$320,400 but	\$24,839.00 plus 9.00% of
2		not over \$373,800	excess over \$320,400
3	<u>C</u>	Over \$373,800 but	\$29,645.00 plus 10.00% of
4		not over \$427,200	excess over \$373,800
5	<u>C</u>	Over \$427,200	\$34,985.00 plus 11.00% of
6			excess over \$427,200.
7	(b) T	There is hereby imposed on the	e taxable income of every
8	head of a h	nousehold a tax determined in	accordance with the
9	following t	cable:	
10	[In t]	ne case of any taxable year b	eginning after December
11	31, 2017:		
12	3	If the taxable income is:	The tax shall be:
13	4	Not over \$3,600	1.40% of taxable income
14	•	Over \$3,600 but	\$50.00 plus 3.20% of
15		not over \$7,200	excess over \$3,600
16	•	Over \$7,200 but	\$166.00 plus 5.50% of
17		not over \$14,400	excess over \$7,200
18	•	Over \$14,400 but	\$562.00 plus 6.40% of
19		not over \$21,600	excess over \$14,400
20	•	O ver \$21,600 but	\$1,022.00 plus 6.80% of
21		not over \$28,800	excess over \$21,600

1	Over \$28,800 but	\$1,512.00 plus 7.20% of
2	not over \$36,000	excess over \$28,800
3	Over \$36,000 but	\$2,030.00 plus 7.60% of
4	not over \$54,000	excess over \$36,000
5	Over \$54,000 but	\$3,398.00 plus 7.90% of
6	not over \$72,000	excess over \$54,000
7	Over \$72,000 but	\$4,820.00 plus 8.25% of
8	not-over \$225,000	excess over \$72,000
9	Over \$225,000 but	\$17,443.00 plus 9.00% of
10	not over \$262,500	excess over \$225,000
11	Over \$262,500 but	\$20,818.00 plus 10.00% of
12	not-over \$300,000	excess over \$262,500
13	Over \$300,000	\$24,568.00 plus 11.00% of
14		excess over \$300,000.
15	In the case of any taxable year	beginning after
16	December 31, 2022:	
17	If the taxable income is:	The tax shall be:
18	Not over \$3,845	1.40% of taxable income
19	Over \$3,845 but	\$54.00 plus 3.20% of
20	not over \$7,690	excess over \$3,845
21	Over \$7,690 but	\$177.00 plus 5.50% of

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1		not over \$15,379	excess over \$7,690
2		Over \$15,379 but	\$600.00 plus 6.40% of
3		not over \$23,069	excess over \$15,379
4		Over \$23,069 but	\$1,092.00 plus 6.80% of
5		not over \$30,758	excess over \$23,069
6		Over \$30,758 but	\$1,615.00 plus 7.20% of
7		not over \$38,448	excess over \$30,758
8		Over \$38,448 but	\$2,168.00 plus 7.60% of
9		not over \$57,672	excess over \$38,448
10		Over \$57,672 but	\$3,629.00 plus 7.90% of
11		not over \$76,896	excess over \$57,672
12		Over \$76,896 but	\$5,148.00 plus 8.25% of
13		not over \$240,300	excess over \$76,896
14		Over \$240,300 but	\$18,629.00 plus 9.00% of
15		not over \$280,350	excess over \$240,300
16		Over \$280,350 but	\$22,234.00 plus 10.00% of
17		not over \$320,400	excess over \$280,350
18		Over \$320,400	\$26,239.00 plus 11.00% of
19			excess over \$320,400.
20	(C)	There is hereby imposed	d on the taxable income of (1)
21	every unm	arried individual (othe	than a surviving spouse, or

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the head of a household) and (2) on the taxable income of every
1
2
    married individual who does not make a single return jointly
3
    with the individual's spouse under section 235-93 a tax
4
    determined in accordance with the following table:
5
         [In the case of any taxable year beginning after December
6
    <del>31, 2017:</del>
7
              If the taxable income is:
                                             The tax shall be:
8
              Not over $2,400
                                             1.40% of taxable income
              Over $2,400 but
9
                                             $34.00 plus 3.20% of
10
                 not over $4,800
                                                excess over $2,400
              Over $4,800 but
11
                                             $110.00 plus 5.50% of
12
                 not over $9,600
                                                excess over $4,800
13
              Over $9,600 but
                                             $374.00 plus 6.40% of
14
                 not over $14,400
                                                excess over $9,600
15
              Over $14,400 but
                                             $682.00 plus 6.80% of
16
                 not over $19,200
                                                excess over $14,400
17
              Over $19,200 but
                                             $1,008.00 plus 7.20% of
18
                 not over $24,000
                                                excess over $19,200
19
              Over $24,000 but
                                             $1,354.00 plus 7.60% of
20
                 not over $36,000
                                                excess over $24,000
21
              Over $36,000 but
                                             $2,266.00 plus 7.90% of
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1	not over \$48,000	excess over \$36,000
2	Over \$48,000 but	\$3,214.00 plus 8.25% of
3	not over \$150,000	excess over \$48,000
4	Over \$150,000 but	\$11,629.00 plus 9.00% of
5	not over \$175,000	excess over \$150,000
6	Over \$175,000 but	\$13,879.00 plus 10.00% of
7	not over \$200,000	excess over \$175,000
8	Over \$200,000	\$16,379.00 plus 11.00% of
9		excess over \$200,000.]
10	In the case of any taxable year l	peginning after
11	December 31, 2022:	
12	If the taxable income is:	The tax shall be:
13	Not over \$2,563	1.40% of taxable income
14	Over \$2,563 but	\$36.00 plus 3.20% of
15	not over \$5,126	excess over \$2,563
16	Over \$5,126 but	\$118.00 plus 5.50% of
17	not over \$10,253	excess over \$5,126
18	Over \$10,253 but	\$400.00 plus 6.40% of
19	not over \$15,379	excess over \$10,253
20	Over \$15,379 but	\$728.00 plus 6.80% of
21	not over \$20,506	excess over \$15,379

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1	Over \$20,506 but	\$1,077.00 plus 7.20% of
2	not over \$25,632	excess over \$20,506
3	Over \$25,632 but	\$1,446.00 plus 7.60% of
4	not over \$38,448	excess over \$25,632
5	Over \$38,448 but	\$2,420.00 plus 7.90% of
6	not over \$51,264	excess over \$38,448
7	Over \$51,264 but	\$3,432.00 plus 8.25% of
8	not over \$160,200	excess over \$51,264
9	Over \$160,200 but	\$12,419.00 plus 9.00% of
10	not over \$186,900	excess over \$160,200
11	Over \$186,900 but	\$14,822.00 plus 10.00% of
12	not over \$213,600	excess over \$186,900
13	Over \$213,600	\$17,492.00 plus 11.00% of
14		excess over \$213,600.
15	(d) The tax imposed by section	235-2.45 on estates and
16	trusts shall be determined in accorda	ance with the following
17	table:	
18	In the case of any taxable year	beginning after December
19	31, 2001:	
20	If the taxable income is:	The tax shall be:
21	Not over \$2,000	1.40% of taxable income

1	Over \$2,000 but	\$28.00 plus 3.20% of
2	not over \$4,000	excess over \$2,000
3	Over \$4,000 but	\$92.00 plus 5.50% of
4	not over \$8,000	excess over \$4,000
5	Over \$8,000 but	\$312.00 plus 6.40% of
6	not over \$12,000	excess over \$8,000
7	Over \$12,000 but	\$568.00 plus 6.80% of
8	not over \$16,000	excess over \$12,000
9	Over \$16,000 but	\$840.00 plus 7.20% of
10	not over \$20,000	excess over \$16,000
11	Over \$20,000 but	\$1,128.00 plus 7.60% of
12	not over \$30,000	excess over \$20,000
13	Over \$30,000 but	\$1,888.00 plus 7.90% of
14	not over \$40,000	excess over \$30,000
15	Over \$40,000	\$2,678.00 plus 8.25% of
16		excess over \$40,000.
17	(e) Any taxpayer, other than a	a corporation, acting as a
18	business entity in more than one sta	ate who is required by this
19	chapter to file a return may elect t	to report and pay a tax of .5

per cent of the taxpayer's annual gross sales if the:

1	(1)	Taxpayer's only activities in this State consist of
2		sales;
3	(2)	Taxpayer does not own or rent real estate or tangible
4		personal property; and
5	(3)	Taxpayer's annual gross sales in or into this State
6		during the tax year is not in excess of \$100,000.
7	(f)	If a taxpayer has a net capital gain for any taxable
8	year to w	hich this subsection applies, then the tax imposed by
9	this sect	ion shall not exceed the sum of:
10	(1)	The tax computed at the rates and in the same manner
1		as if this subsection had not been enacted on the
12		greater of:
13		(A) The taxable income reduced by the amount of net
14		capital gain, or
15		(B) The amount of taxable income taxed at a rate
16		below 7.25 per cent, plus
17	(2)	A tax of 7.25 per cent of the amount of taxable income
18		in excess of the amount determined under paragraph
19		(1).
20	This	subsection shall apply to individuals, estates, and
21	trusts fo	r taxable years beginning after December 31, 1986

1 (g) For each taxable year beginning on or after January 1, 2 2024, the director shall, no later than December 15 of the 3 preceding calendar year, recompute the taxable income amounts 4 within each of the income brackets in subsections (a), (b), and 5 (c) by multiplying the taxable income amounts within each income 6 bracket for the previous tax year by the cost-of-living 7 adjustment factor, if the cost-of-living adjustment factor is 8 greater than zero, and rounding off the resulting product to the 9 nearest \$1. If the cost-of-living adjustment factor is less than zero in a given year, then no adjustment will occur in the 10 11 following year. Nothing in this subsection shall be construed 12 as permitting an adjustment to the rates of tax in subsections 13 (a), (b), and (c)." 14 SECTION 5. Section 235-54, Hawaii Revised Statutes, is 15 amended to read as follows: 16 "\$235-54 Exemptions. (a) In computing the taxable income 17 of any individual, there shall be deducted, in lieu of the 18 personal exemptions allowed by the Internal Revenue Code, 19 personal exemptions computed as follows: Ascertain the number 20 of exemptions which the individual can lawfully claim under the 21 Internal Revenue Code, add an additional exemption for the

- 1 taxpayer or the taxpayer's spouse who is sixty-five years of age
- 2 or older within the taxable year, and multiply that number by
- $3 \quad [\$1,144,] \$2,288, for taxable years beginning after December 31,$
- 4 [1984.] 2022. A nonresident shall prorate the personal
- 5 exemptions on account of income from sources outside the State
- $\mathbf{6}$ as provided in section 235-5. In the case of an individual with
- 7 respect to whom an exemption under this section is allowable to
- 8 another taxpayer for a taxable year beginning in the calendar
- 9 year in which the individual's taxable year begins, the personal
- 10 exemption amount applicable to such individual under this
- 11 subsection for such individual's taxable year shall be zero.
- 12 (b) In computing the taxable income of an estate or trust
- 13 there shall be allowed, in lieu of the deductions allowed under
- 14 subsection (a), the following:
- 15 (1) An estate shall be allowed a deduction of \$400.
- 16 (2) A trust which, under its governing instrument, is
- required to distribute all of its income currently
- shall be allowed a deduction of \$200.
- 19 (3) All other trusts shall be allowed a deduction of \$80.
- 20 (c) A blind person, a deaf person, and any person totally
- 21 disabled, in lieu of the personal exemptions allowed by the

- 1 Internal Revenue Code, shall be allowed, and there shall be
- 2 deducted in computing the taxable income of a blind person, a
- 3 deaf person, or a totally disabled person, instead of the
- 4 exemptions provided by subsection (a), the amount of \$7,000.
- 5 (d) For each taxable year beginning on or after January 1,
- 6 2024, the director of taxation shall, no later than December 15
- 7 of the preceding calendar year, recompute the personal exemption
- 8 and deduction amounts in this section by multiplying the amount
- 9 for the previous tax year by the cost-of-living adjustment
- 10 factor, if the cost-of-living adjustment factor is greater than
- 11 zero, and rounding off the resulting product to the nearest \$1.
- 12 If the cost-of-living adjustment factor is less than zero in a
- 13 given year, then no adjustment will occur in the following
- **14** year."
- 15 SECTION 6. Section 235-55.6, Hawaii Revised Statutes, is
- 16 amended to read as follows:
- 17 "\$235-55.6 Expenses for household and dependent care
- 18 services necessary for gainful employment. (a) Allowance of
- 19 credit.
- 20 (1) In general. For each resident taxpayer, who files an
- individual income tax return for a taxable year, and

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who is not claimed or is not otherwise eligible to be
claimed as a dependent by another taxpayer for federal
or Hawaii state individual income tax purposes, who
maintains a household which includes as a member one
or more qualifying individuals (as defined in
subsection (b)(1)), there shall be allowed as a credit
against the tax imposed by this chapter for the
taxable year an amount equal to the applicable
percentage of the employment-related expenses (as
defined in subsection (b)(2)) paid by the individual
during the taxable year. If the tax credit claimed by
a resident taxpayer exceeds the amount of income tax
payment due from the resident taxpayer, the excess of
the credit over payments due shall be refunded to the
resident taxpayer; provided that tax credit properly
claimed by a resident individual who has no income tax
liability shall be paid to the resident individual;
and provided further that no refunds or payment on
account of the tax credit allowed by this section
shall be made for amounts less than \$1.

1	(2)	Applicable percentage.	For purposes of paragraph (1),
2		the taxpayer's applicab	le percentage shall be
3		[determined as follows:	
4		Adjusted gross income	Applicable percentage
5		Not over \$25,000	25%
6		Over \$25,000 but	24%
7		not over \$30,000	
8		Over \$30,000 but	23%
9		not over \$35,000	
10		Over \$35,000 but	22%
11		not over \$40,000	
12		Over \$40,000 but	21%
13		not over \$45,000	
14		Over \$45,000 but	20%
15		not over \$50,000	
16		Over \$50,000	15%.]
17		fifty per cent reduced	by one percentage point for
18		each \$3,000, or fraction	n thereof, by which the
19		taxpayer's adjusted gro	ss income exceeds the threshold
20		amount; provided that t	he applicable percentage shall
21		not be reduced below tw	enty-five per cent.

1	(3)	Thre	shold amount. For purposes of paragraph (2):
2		(A)	For taxable years beginning on or after
3			January 1, 2023, but before January 1, 2024, the
4			threshold amount shall be \$150,000; and
5		(B)	For each taxable year beginning on or after
6			January 1, 2024, the director shall, no later
7			than December 15 of the preceding calendar year,
8			recompute the threshold amount by multiplying the
9			dollar amount for the previous tax year by the
10			cost-of-living adjustment factor, if the cost-of-
11			living adjustment factor is greater than zero,
12			and rounding off the resulting product to the
13			nearest \$1. If the cost-of-living adjustment
14			factor is less than zero in a given year, then no
15			adjustment will occur in the following year.
16	(b)	Defi	nitions of qualifying individual and employment-
17	related e	xpens	es. For purposes of this section:
18	(1)	Qual	ifying individual. The term "qualifying
19		indi	vidual" means:
20		(A)	A dependent of the taxpayer who is under the age
21			of thirteen and with respect to whom the taxpayer

1			is entitled to a deduction under section 235-
2			54(a),
3		(B)	A dependent of the taxpayer who is physically or
4			mentally incapable of caring for oneself, or
5		(C)	The spouse of the taxpayer, if the spouse is
6			physically or mentally incapable of caring for
7			oneself.
8	(2)	Empl	oyment-related expenses.
9		(A)	In general. The term "employment-related
10			expenses" means amounts paid for the following
11			expenses, but only if such expenses are incurred
12			to enable the taxpayer to be gainfully employed
13			for any period for which there are one or more
14			qualifying individuals with respect to the
15			taxpayer:
16			(i) Expenses for household services, and
17			(ii) Expenses for the care of a qualifying
18			individual.
19			Such term shall not include any amount paid for
20			services outside the taxpaver's household at a

1		camp where the qualifying individual stays
2		overnight.
3	(B)	Exception. Employment-related expenses described
4		in subparagraph (A) which are incurred for
5		services outside the taxpayer's household shall
6		be taken into account only if incurred for the
7		care of:
8		(i) A qualifying individual described in
9		paragraph (1)(A), or
10		(ii) A qualifying individual (not described in
11		paragraph (1)(A)) who regularly spends at
12		least eight hours each day in the taxpayer's
13		household.
14	(C)	Dependent care centers. Employment-related
15		expenses described in subparagraph (A) which are
16		incurred for services provided outside the
17		taxpayer's household by a dependent care center
18		(as defined in subparagraph (D)) shall be taken
19		into account only if:
20		(i) Such center complies with all applicable
21		laws, rules, and regulations of this State,

1		if the center is located within the
2		jurisdiction of this State; or
3	(ii)	Such center complies with all applicable
4		laws, rules, and regulations of the
5		jurisdiction in which the center is located,
6		if the center is located outside the State;
7		and
8	(iii)	The requirements of subparagraph (B) are
9		met.
10	(D) Depe	ndent care center defined. For purposes of
11	this	paragraph, the term "dependent care center"
12	mean	s any facility which:
13	(i)	Provides care for more than six individuals
14		(other than individuals who reside at the
15		facility), and
16	(ii)	Receives a fee, payment, or grant for
17		providing services for any of the
18		individuals (regardless of whether such
19		facility is operated for profit).
20	(c) Dollar li	mit on amount creditable. The amount of the
21	employment-related	expenses incurred during any taxable year

1	which may	be taken into account under subsection (a) shall not	
2	exceed:		
3	(1)	[\$2,400] $$10,000$ if there is one qualifying individual	
4		with respect to the taxpayer for such taxable year, or	
5	(2)	[\$4,800] $$20,000$ if there are two or more qualifying	
6		individuals with respect to the taxpayer for such	
7		taxable year.	
8	The amoun	t determined under paragraph (1) or (2) (whichever is	
9	applicabl	e) shall be reduced by the aggregate amount excludable	
10	from gros	s income under section 129 (with respect to dependent	
11	care assistance programs) of the Internal Revenue Code for the		
12	taxable y	ear.	
13	(d)	Earned income limitation.	
14	(1)	In general. Except as otherwise provided in this	
15		subsection, the amount of the employment-related	
16		expenses incurred during any taxable year which may be	
17		taken into account under subsection (a) shall not	
18		exceed:	
19		(A) In the case of an individual who is not married	
20		at the close of such year, such individual's	
21		earned income for such year, or	

1		(B) In the case of an individual who is married at
2		the close of such year, the lesser of such
3		individual's earned income or the earned income
4		of the individual's spouse for such year.
5	(2)	Special rule for spouse who is a student or incapable
6		of caring for oneself. In the case of a spouse who is
7		a student or a qualified individual described in
8		subsection (b)(1)(C), for purposes of paragraph (1),
9		such spouse shall be deemed for each month during
10		which such spouse is a full-time student at an
11		educational institution, or is such a qualifying
12		individual, to be gainfully employed and to have
13		earned income of not less than:
14		(A) \$200 if subsection (c)(1) applies for the taxable
15		year, or
16		(B) \$400 if subsection (c)(2) applies for the taxable
17		year.
18		In the case of any husband and wife, this paragraph
19		shall apply with respect to only one spouse for any
20		one month.

(e) Special rules. For purposes of this section:

1	(1)	Maintaining household. An individual shall be treated
2		as maintaining a household for any period only if over
3		half the cost of maintaining the household for the
4		period is furnished by the individual (or, if the
5		individual is married during the period, is furnished
6		by the individual and the individual's spouse).
7	(2)	Married couples must file joint return. If the
8		taxpayer is married at the close of the taxable year,
9		the credit shall be allowed under subsection (a) only
10		if the taxpayer and the taxpayer's spouse file a joint
11		return for the taxable year.
12	(3)	Marital status. An individual legally separated from
13		the individual's spouse under a decree of divorce or
14		of separate maintenance shall not be considered as
15		married.
16	(4)	Certain married individuals living apart. If:
17		(A) An individual who is married and who files a
18		separate return:
19		(i) Maintains as the individual's home a
20		household that constitutes for more than

one-half of the taxable year the principal

1		place of abode of a qualifying individual,
2		and
3		(ii) Furnishes over half of the cost of
4		maintaining the household during the taxable
5		year, and
6		(B) During the last six months of the taxable year
7		the individual's spouse is not a member of the
8		household,
9		the individual shall not be considered as married.
10	(5)	Special dependency test in case of divorced parents,
11		etc. If:
12		(A) Paragraph (2) or (4) of section 152(e) of the
13		Internal Revenue Code of 1986, as amended,
14		applies to any child with respect to any calendar
15		year, and
16		(B) The child is under age thirteen or is physically
17		or mentally incompetent of caring for the child's
18		self,
19		in the case of any taxable year beginning in the
20		calendar year, the child shall be treated as a
21		qualifying individual described in subsection

1		(b)(1)(A) or (B) (whichever is appropriate) with
2		respect to the custodial parent (within the meaning of
3		section 152(e)(1) of the Internal Revenue Code of
4		1986, as amended), and shall not be treated as a
5		qualifying individual with respect to the noncustodial
6		parent.
7	(6)	Payments to related individuals. No credit shall be
8		allowed under subsection (a) for any amount paid by
9		the taxpayer to an individual:
10		(A) With respect to whom, for the taxable year, a
11		deduction under section 151(c) of the Internal
12		Revenue Code of 1986, as amended (relating to
13		deduction for personal exemptions for dependents)
14		is allowable either to the taxpayer or the
15		taxpayer's spouse, or
16		(B) Who is a child of the taxpayer (within the
17		meaning of section 151(c)(3) of the Internal
18		Revenue Code of 1986, as amended) who has not
19		attained the age of nineteen at the close of the

taxable year.

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1	For purposes of this paragraph, the term "taxable
2	year" means the taxable year of the taxpayer in which
3	the service is performed.
4 (7)	Student. The term "student" means an individual who,
5	during each of five calendar months during the taxable
6	year, is a full-time student at an educational
7	organization.
8 (8)	Educational organization. The term "educational
9	organization" means a school operated by the
10	department of education under chapter 302A, an
11	educational organization described in section
12	170(b)(1)(A)(ii) of the Internal Revenue Code of 1986,
13	as amended, or a university, college, or community
14	college.
15 (9)	Identifying information required with respect to
16	service provider. No credit shall be allowed under
17	subsection (a) for any amount paid to any person
18	unless:
19	(A) The name, address, taxpayer identification
20	number, and general excise tax license number of

1		the person are included on the return claiming
2		the credit,
3	(B)	If the person is located outside the State, the
4		name, address, and taxpayer identification
5		number, if any, of the person and a statement
6		indicating that the service provider is located
7		outside the State and that the general excise tax
8		license and, if applicable, the taxpayer
9		identification numbers are not required, or
10	(C)	If the person is an organization described in
11		section 501(c)(3) of the Internal Revenue Code
12		and exempt from tax under section 501(a) of the
13		Internal Revenue Code, the name and address of
14		the person are included on the return claiming
15		the credit.
16	In t	he case of a failure to provide the information
17	requ	ired under the preceding sentence, the preceding
18	sent	ence shall not apply if it is shown that the
19	taxp	ayer exercised due diligence in attempting to
20	prov	ide the information so required.

1	<u>(f)</u>	No credit shall be allowed under this section for any	
2 .	taxable y	ear in the disallowance period. For purposes of this	
3	subsectio	n, the disallowance period is:	
4	(1)	The period of ten taxable years after the most recent	
5		taxable year for which there was a final	
6		administrative or judicial decision that the	
7		taxpayer's claim for credit under this section was due	
8		to fraud; and	
9	(2)	The period of two taxable years after the most recent	
10		taxable year for which there was a final	
11		administrative or judicial decision disallowing the	
12		taxpayer's claim for credit.	
13	[(f)] (g) Rules. The director of taxation shall prescribe	
14	such rule	s under chapter 91 as may be necessary to carry out the	
15	purposes of this section."		
16	SECT	ION 7. Section 235-55.7, Hawaii Revised Statutes, is	
17	amended to read as follows:		
18	"§23	5-55.7 Income tax credit for [low-income] household	
19	renters.	(a) As used in this section:	

1	(1)	"Adjusted gross income" [is defined by section 235-1.]
2		means adjusted gross income as defined by the Internal
3		Revenue Code.

- "Qualified exemption" includes those exemptions

 permitted under this chapter; provided that a person

 for whom exemption is claimed has physically resided

 in the State for more than nine months during the

 taxable year; and provided that multiple exemption

 shall not be granted because of deficiencies in

 vision, hearing, or other disability.
- (3) "Rent" means the amount paid in cash in any taxable year for the occupancy of a dwelling place which is used by a resident taxpayer or the resident taxpayer's immediate family as the principal residence in this State. Rent is limited to the amount paid for the occupancy of the dwelling place only, and is exclusive of charges for utilities, parking stalls, storage of goods, yard services, furniture, furnishings, and the like. Rent shall not include any rental claimed as a deduction from gross income or adjusted gross income for income tax purposes, any ground rental paid for

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1
              use of land only, and any rent allowance or subsidies
 2
              received.
3
         (b) Each resident taxpayer who occupies and pays rent for
 4
    real property within the State as the resident taxpayer's
5
    residence or the residence of the resident taxpayer's immediate
6
    family [which is not partially or wholly exempted from real
7
    property tax, ] who is not eligible to be claimed as a dependent
8
    for federal or state income taxes by another, and who files an
9
    individual net income tax return for a taxable year, may claim a
    tax credit under this section against the resident taxpayer's
10
11
    Hawaii state individual net income tax.
12
              Each taxpayer [with an adjusted gross income of less
    than \$30,000] who has paid more than [\$1,000] \$10,000 in rent
13
14
    during the taxable year for which the credit is claimed may
    claim a household renters tax credit [of $50] as determined in
15
    subsection (d), multiplied by the number of qualified exemptions
16
    to which the taxpayer is entitled; provided that married couples
17
18
    shall file a joint return; provided further that each taxpayer
19
    sixty-five years of age or over may claim double the tax credit;
20
    [and] provided further that a resident individual who has no
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income or no income taxable under this chapter may also claim 1 2 the tax credit as set forth in this section. 3 (d) The credit per exemption shall equal \$350 reduced by 4 the result of the reduction factor multiplied by each dollar for 5 which the taxpayer's adjusted gross income exceeds the threshold 6 amount, rounded to the nearest dollar; provided that the credit 7 per exemption shall not be reduced below zero; provided further 8 that: 9 (1) The reduction factor shall be: 10 (A) 0.007 for married persons filing a joint return 11 or a surviving spouse; 12 0.0093 for heads of household; or (B) 13 (C) 0.014 for single persons. 14 (2) The threshold amount shall be: 15 \$40,000 for married persons filing a joint return (A) 16 or a surviving spouse; 17 (B) \$30,000 for heads of household; or 18 (C) \$20,000 for single persons. 19 (e) For each taxable year beginning on or after January 1, 20 2024, the director of taxation shall, no later than December 15 of the preceding calendar year, recompute the minimum rent 21

1 amount in subsection (c) and threshold amount in subsection (d) by multiplying the dollar amount for the previous tax year by 2 3 the cost-of-living adjustment factor, if the cost-of-living 4 adjustment factor is greater than zero, and rounding off the 5 resulting product to the nearest \$1. If the cost-of-living 6 adjustment factor is less than zero in a given year, then no 7 adjustment will occur in the following year. 8 [(d)] (f) If a rental unit is occupied by two or more 9 individuals, and more than one individual is able to qualify as 10 a claimant, the claim for credit shall be based upon a pro rata share of the rent paid. 11 12 [(c)] (g) The tax credits shall be deductible from the 13 taxpayer's individual net income tax for the tax year in which 14 the credits are properly claimed[; provided that a husband and 15 wife filing separate returns for a taxable year for which a 16 joint return could have been made by them shall claim only the 17 tax credits to which they would have been entitled had a joint 18 return been filed]. In the event the allowed tax credits exceed 19 the amount of the income tax payments due from the taxpayer, the 20 excess of credits over payments due shall be refunded to the 21 taxpayer; provided that allowed tax credits properly claimed by

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	an marvi	dual who has no income tax liability shall be paid to
2	the indiv	idual; and provided further that no refunds or payments
3	on accoun	t of the tax credits allowed by this section shall be
4	made for	amounts less than \$1.
5	(h)	No credit shall be allowed under this section for any
6	taxable ye	ear in the disallowance period. For purposes of this
7	subsection	n, the disallowance period is:
8	(1)	The period of ten taxable years after the most recent
9		taxable year for which there was a final
10		administrative or judicial decision that the
11		taxpayer's claim for credit under this section was due
12		to fraud; and
13	(2)	The period of two taxable years after the most recent
14		taxable year for which there was a final
15		administrative or judicial decision disallowing the
16		taxpayer's claim for credit.
17	[-(f)-]	(i) The director of taxation shall prepare and
18	prescribe	the appropriate form or forms to be used herein, may
19	require p	coof of the claim for tax credits, and may adopt rules
20	pursuant t	to chapter 91.

1 $[\frac{g}{g}]$ (j) All of the provisions relating to assessments and refunds under this chapter and under section 231-23(c)(1) 2 3 shall apply to the tax credits hereunder. 4 [(h)] (k) Claims for tax credits under this section, 5 including any amended claims thereof, shall be filed on or before the end of the twelfth month following the taxable year 6 7 for which the credit may be claimed." 8 SECTION 8. Section 235-55.75, Hawaii Revised Statutes, is 9 amended by amending subsection (a) to read as follows: 10 "(a) Each qualifying individual taxpayer may claim a 11 refundable earned income tax credit. The tax credit, for the 12 appropriate taxable year, shall be [twenty] thirty per cent of 13 the federal earned income tax credit allowed and properly 14 claimed under section 32 of the Internal Revenue Code and reported as such on the individual's federal income tax return." 15 16 SECTION 9. Section 235-55.85, Hawaii Revised Statutes, is **17** amended to read as follows: 18 "§235-55.85 Refundable food/excise tax credit. (a) individual taxpayer, who files an individual income tax return 19 20 for a taxable year, and who is not claimed or is not otherwise

eligible to be claimed as a dependent by another taxpayer for

21

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1
    federal or Hawaii state individual income tax purposes, may
    claim a refundable food/excise tax credit against the taxpayer's
 2
    individual income tax liability for the taxable year for which
 3
 4
    the individual income tax return is being filed; provided that
 5
    an individual who has no income or no income taxable under this
    chapter and who is not claimed or is not otherwise eligible to
 6
    be claimed as a dependent by a taxpayer for federal or Hawaii
 7
    state individual income tax purposes may claim this credit.
 8
 9
              Each individual taxpayer may claim a refundable
    food/excise tax credit, as determined in subsection (c),
10
11
    multiplied by the number of qualified exemptions to which the
12
    taxpayer is entitled [in accordance with the table_below];
13
    provided that a [husband and wife filing separate tax returns
    for a taxable year for which | married couple shall file a joint
14
15
    return [could have been filed by them shall claim only the tax
    credit to which they would have been entitled had a joint return
16
17
    been filed.
18
         Adjusted gross income
                                      Credit per exemption
19
         for taxpayers filing
20
         a single return
21
         Under $5,000
                                                $110
```

1	\$5,000 under \$10,000	\$100
2	\$10,000 under \$15,000	\$ 85
3	\$15,000 under \$20,000	\$ 70
4	\$20,000 under \$30,000	\$ 55
5	\$30,000 and over	\$-0.
6	Adjusted gross income	Credit per exemption
7	for heads of household,	
8	married individuals filing	
9	separate returns, and	
10	married couples filing	
11	joint returns	
12	Under \$5,000	\$110
13	\$5,000 under \$10,000	\$100
14	\$10,000 under \$15,000	\$ 85
15	\$15,000 under \$20,000	\$ 70
16	\$20,000 under \$30,000	\$ 55
17	\$30,000 under \$40,000	\$ 45
18	\$40,000 under \$50,000	\$ 35
19	\$50,000 and over	-\$-0.]
20	for the tax year in which the cred	it is claimed.

1	<u>(c)</u>	For tax years beginning on or after January 1, 2023,
2	the credi	t per exemption shall be as follows:
3	(1)	For married persons filing a joint return, head of
4		household or a surviving spouse, \$220 reduced by
5		0.0049 for every dollar of income above the adjusted
6		gross income of \$25,000, rounded to the nearest
7		dollar; or
8	(2)	For taxpayers filing a single return, \$220 reduced by
9		0.0098 for every dollar of income above the adjusted
10		gross income of \$15,000;
11	provided	that the credit per exemption shall not be reduced
12	below zer	O
13	<u>(d)</u>	For each taxable year beginning on or after January 1,
14	2024, the	director shall, no later than December 15 of the
15	preceding	calendar year, recompute the adjusted gross income
16	threshold	s in subsection (c) by multiplying the adjusted gross
17	income am	ount for the previous tax year by the cost-of-living
18	adjustmen	t factor, if the cost-of-living adjustment factor is
19	greater t	han zero, and rounding off the resulting product to the
20	nearest \$	1. If the cost-of-living adjustment factor is less

- 1 than zero in a given year, then no adjustment will occur in the
- following year.
- 3 [(c)] (e) For the purposes of this section, a qualified
- 4 exemption is defined to include those exemptions permitted under
- 5 this chapter; provided that no additional exemption may be
- 6 claimed by a taxpayer who is sixty-five years of age or older;
- 7 provided that a person for whom exemption is claimed has been
- 8 physically present in the State for more than nine months during
- 9 the taxable year; and provided further that multiple exemptions
- 10 shall not be granted because of deficiencies in vision or
- 11 hearing, or other disability. For purposes of claiming this
- 12 credit only, a minor child receiving support from the department
- 13 of human services of the State, social security survivor's
- 14 benefits, and the like, may be considered a dependent and a
- 15 qualified exemption of the parent or guardian.
- 16 $\left[\frac{d}{d}\right]$ (f) The tax credit under this section shall not be
- 17 available to:
- 18 (1) Any person who has been convicted of a felony and who
- has been committed to prison and has been physically
- confined for the full taxable year;

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1	(2)	Any person who would otherwise be eligible to be
2		claimed as a dependent but who has been committed to a
3		youth correctional facility and has resided at the
4		facility for the full taxable year; or
5	(3)	Any misdemeanant who has been committed to jail and
6		has been physically confined for the full taxable
7		year.
8	[(e)	g) (g) The tax credits claimed by a taxpayer pursuant
9	to this s	ection shall be deductible from the taxpayer's
10	individua	l income tax liability, if any, for the tax year in
11	which the	y are properly claimed. If the tax credits claimed by
12	a taxpaye	r exceed the amount of income tax payment due from the
13	taxpayer,	the excess of credits over payments due shall be
14	refunded	to the taxpayer; provided that tax credits properly
15	claimed b	y [f]an[f] individual who has no income tax liability
16	shall be	paid to the individual; and provided further that no
17	refunds o	r payment on account of the tax credits allowed by this
18	section s	hall be made for amounts less than \$1.
19	(h)	No credit shall be allowed under this section for any
20	taxable y	ear in the disallowance period. For purposes of this
21	subsectio	n, the disallowance period is:



1	(1)	The period of ten taxable years after the most recent
2		taxable year for which there was a final
3		administrative or judicial decision that the
4		taxpayer's claim for credit under this section was due
5		to fraud; and
6	(2)	The period of two taxable years after the most recent
7		taxable year for which there was a final
8		administrative or judicial decision disallowing the
9		taxpayer's claim for credit.
10	[(£)] (i) All claims for tax credits under this section,
11	including	any amended claims, shall be filed on or before the
12	end of th	e twelfth month following the close of the taxable year
13	for which	the credits may be claimed. Failure to comply with
14	the foreg	oing provision shall constitute a waiver of the right
15	to claim	the credit.
16	[-(g)] (j) For the purposes of this section, "adjusted
17	gross inc	ome" means adjusted gross income as defined by the
18	Internal	Revenue Code."
19	SECT	ION 10. If any provision of this Act, or the
20	applicati	on thereof to any person or circumstance, is held
21	invalid,	the invalidity does not affect other provisions or

- 1 applications of this Act that can be given effect without the
- 2 invalid provision or application, and to this end the provisions
- 3 of this Act are severable.
- 4 SECTION 11. Statutory material to be repealed is bracketed
- 5 and stricken. New statutory material is underscored.
- 6 SECTION 12. This Act shall take effect on June 30, 3000.

Report Title:

Income Tax; Income Tax Credits; Income Tax Brackets; Teacher
Expenses

Description:

Adds new tax credit for teacher's expenses. Adjusts annually for tax years beginning on or after January 1, 2024, the income tax brackets, personal exemption and standard deduction amounts, dependent care credit, household renters credit, and refundable food/excise credit by a cost-of-living adjustment factor. Increases the amounts for the income tax brackets, personal exemption amount and standard deduction amounts for tax year 2023. Increases the adjusted gross income amounts for the qualification of low-income credits. Increases the amount of the credits that assist working families. Effective 6/30/3000. (HD1)

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

2023-1716 HB1049 HD1 HMS0