A BILL FOR AN ACT

RELATING TO INCOME TAX.

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

1 SECTION 1. Section 235-2.4, Hawaii Revised Statutes, is 2 amended as follows: 3 1. By amending subsection (c) to read: 4 "(c) Section 68 (with respect to the overall limitation on 5 itemized deductions) of the Internal Revenue Code shall be 6 operative; provided that [the]: 7 (1)[Thresholds] The thresholds shall be [those] the applicable amounts under section 68(b)(1) of the 9 Internal Revenue Code that were operative for federal 10 tax year [2009;] 2013; and 11 (2) Suspension in section 68(f) shall not be operative for 12 purposes of this chapter." 13 2. By amending subsection (k) to read: 14 "(k) Section 164 (with respect to taxes) of the Internal 15 Revenue Code shall be operative for the purposes of this 16 chapter, except that:

1	(1)	Section 164(b)(6)(B) (limiting the deduction for state
2		and local taxes) shall not be operative for the
3		purposes of this chapter;
4	(2)	The deductions under section 164(a)(3) and (b)(5)
5		shall not be operative for corporate taxpayers [and
6		shall be operative only for the following individual
7		taxpayers:
8		(A) A taxpayer filing a single return or a married
9		person filing separately with a federal adjusted
10		gross income of less than \$100,000;
11		(B) A taxpayer filing as a head of household with a
12		federal adjusted gross income of less than
13		\$150,000; and
14		(C) A taxpayer filing a joint return or as a
15		surviving spouse with a federal adjusted gross
16		income of less than \$200,000]; and
17	(3)	Section 164(a)(3) shall not be operative for any
18		amounts for which the credit under section 235-55 has
19		been claimed."

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         SECTION 2. Section 235-51, Hawaii Revised Statutes, is
 2
    amended by amending subsections (a), (b), and (c) to read as
 3
    follows:
 4
         "(a) There is hereby imposed on the taxable income of
 5
    every:
 6
         (1)
              Taxpayer who files a joint return under section 235-
 7
              93; and
 8
              Surviving spouse,
         (2)
 9
    a tax determined in accordance with the following table:
10
         [In the case of any taxable year beginning after December
11
    31, 2017:
12
              If the taxable income is: The tax shall be:
13
              Not over $4,800
                                            1:40% of taxable income
14
              Over $4,800 but
                                          $67.00 plus 3.20% of
15
                 not over $9,600
                                             excess over $4,800
16
              Over $9,600 but
                                            $221.00 plus 5.50% of
17
                 not over $19,200
                                              excess over $9,600
                                          $749.00 plus 6.40% of
18
              Over $19,200 but
19
                 not over $28,800
                                             excess over $19,200
              Over $28,800 but
20
                                           $1,363.00 plus 6.80% of
21
                not over $38,400
                                             excess over $28,800
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1	Over \$38,400 but	\$2,016.00 plus 7.20% of
2	not over \$48,000	excess over \$38,400
3	Over \$48,000 but	\$2,707.00 plus 7.60% of
4	not over \$72,000	excess over \$48,000
5	Over \$72,000 but	\$4,531.00 plus 7.90% of
6	not over \$96,000	excess-over \$72,000
7	Over \$96,000 but	\$6,427.00 plus 8.25% of
8	not over \$300,000	excess over \$96,000
9	Over \$300,000 but	\$23,257.00 plus 9.00% of
10	not over \$350,000	excess over \$300,000
11	Over \$350,000 but	\$27,757.00 plus 10.00%
12	not over \$400,000	of excess over
13		\$350,000
14	Over \$400,000	\$32,757.00 plus 11.00%
15		of excess over
16		\$400,000.]
17	In the case of any taxable year b	eginning after December
18	31, 2023:	
19	If the taxable income is:	The tax shall be:
20	Not over \$5,280	% of taxable income
21	Over \$5,280 but	\$ plus % of

1	not over \$10,560	excess over \$5,280
2	Over \$10,560 but	\$ plus % of
3	not over \$21,120	excess over \$10,560
4	Over \$21,120 but	\$ plus % of
5	not over \$31,680	excess over \$21,120
6	Over \$31,680 but	\$ plus % of
7	not over \$42,240	excess over \$31,680
8	Over \$42,240 but	\$ plus % of
9	not over \$52,800	excess over \$42,240
10	Over \$52,800 but	\$ plus % of
11	not over \$79,200	excess over \$52,800
12	Over \$79,200 but	\$ plus % of
13	<u>not over \$105,600</u>	excess over \$79,200
14	Over \$105,600 but	\$ plus % of
15	<pre>not over \$330,000</pre>	excess over \$105,600
16	Over \$330,000 but	\$ plus % of
17	<u>not over \$385,000</u>	excess over \$330,000
18	Over \$385,000 but	\$ plus % of
19	not over \$440,000	excess over \$385,000
20	Over \$440,000	\$ plus % of
21		excess over \$440,000.

1	(b)	There is hereby imposed of	on the taxable income of every
2	head of a	household a tax determine	ed in accordance with the
3	following	table:	
4	[In :	the case of any taxable ye	ear beginning after December
5	31, 2017:		
6		If the taxable income is:	The tax shall be:
7		Not over \$3,600	1.40% of taxable income
8		Over \$3,600 but	\$50.00 plus 3.20% of
9		not over \$7,200	excess over \$3,600
10		Over \$7,200 but	\$166.00 plus 5.50% of
11		not over \$14,400	excess over \$7,200
12		Over \$14,400 but	\$562.00 plus 6.40% of
13		not over \$21,600	excess over \$14,400
14		Over \$21,600 but	\$1,022.00 plus 6.80% of
15		not-over \$28,800	excess over \$21,600
16		Over \$28,800 but	\$1,512.00 plus 7.20% of
17		not over \$36,000	excess over \$28,800
18		Over \$36,000 but	\$2,030.00 plus 7.60% of
19		not over \$54,000	excess over \$36,000
20		Over \$54,000 but	\$3,398.00 plus 7.90% of
21		not over \$72,000	excess over \$54,000

1	Over \$72,000 but	\$4,820.00 plus 8.25% of
2	not over \$225,000	excess over \$72,000
3	Over \$225,000 but	\$17,443.00 plus 9.00% of
4	not over \$262,500	excess over \$225,000
5	Over \$262,500 but	\$20,818.00 plus 10.00% of
6	not over \$300,000	excess over \$262,500
7	Over \$300,000	\$24,568.00 plus 11.00% of
8		excess over \$300,000.
9	In the case of any taxable year	beginning after December
10	<u>31, 2023:</u>	
11	<pre>If the taxable income is:</pre>	The tax shall be:
12	Not over \$3,960	% of taxable income
13	Over \$3,960 but	\$ plus % of
14	<u>not over \$7,920</u>	excess over \$3,960
15	Over \$7,920 but	\$ plus % of
16	not over \$15,840	excess over \$7,920
17	Over \$15,840 but	\$ plus % of
18	<u>not over \$23,760</u>	excess over \$15,840
19	Over \$23,760 but	\$ plus % of
20	not over \$31,680	excess over \$23,760
21	Over \$31,680 but	\$ plus % of

1	not over \$39,600		excess over \$31,680	
2	Over \$39,600 but	\$	plus % of	
3	not over \$59,400		excess over \$39,600	
4	Over \$59,400 but	\$	plus % of	
5	not over \$79,200		excess over \$59,400	
6	Over \$79,200 but	\$	plus % of	
7	not over \$247,500		excess over \$79,200	
8	Over \$247,500 but	\$	plus % of	
9	not over \$288,750		excess over \$247,500	
10	Over \$288,750 but	\$	plus % of	
11	not over \$330,000		excess over \$288,750	
12	Over \$330,000	\$	plus % of	
13		<u>e:</u>	xcess over \$330,000.	
14	(c) There is hereby imposed on t	the '	taxable income of (1)	
15	every unmarried individual (other than	na:	surviving spouse, or	
16	the head of a household) and (2) on the	ne ta	axable income of every	
17	married individual who does not make a	a sin	ngle return jointly	
18	with the individual's spouse under section 235-93 a tax			
19	determined in accordance with the foll	owi	ng table:	
20	[In the case of any taxable year	beg:	inning after December	
21	31, 2017:			

1	If the taxable income is:	The tax-shall be:
2	Not over \$2,400	1.40% of taxable income
3	Over \$2,400 but	\$34.00 plus 3.20% of
4	not over \$4,800	excess over \$2,400
5	Over \$4,800 but	\$110.00 plus 5.50% of
6	not over \$9,600	excess over \$4,800
7	Over \$9,600 but	\$374.00 plus 6.40% of
8	not over \$14,400	excess over \$9,600
9	Over \$14,400 but	\$682.00 plus 6.80% of
10	not over \$19,200	excess over \$14,400
11	Over \$19,200 but	\$1,008.00 plus 7.20% of
12	not over \$24,000	excess over \$19,200
13	Over \$24,000 but	\$1,354.00 plus 7.60% of
14	not over \$36,000	excess over \$24,000
15	Over \$36,000 but	\$2,266.00 plus 7.90% of
16	not over \$48,000	excess over \$36,000
17	Over \$48,000 but	\$3,214.00 plus 8.25% of
18	not over \$150,000	excess over \$48,000
19	Over \$150,000 but	\$11,629.00 plus 9.00% of
20	not over \$175,000	excess over \$150,000
21	Over \$175,000 but	\$13,879.00 plus 10.00% of

1	not over \$200,000		excess over \$175,000
2	Over \$200,000	\$:	16,379.00 plus 11.00% of
3			excess over \$200,000.
4	In the case of any taxable year	begiı	nning after December
5	31, 2023:		
6	If the taxable income is:	Tì	ne tax shall be:
7	Not over \$2,640		% of taxable income
8	Over \$2,640 but	\$	plus % of
9	not over \$5,280		excess over \$2,640
10	Over \$5,280 but	\$	plus % of
11	<u>not over \$10,560</u>		excess over \$5,280
12	Over \$10,560 but	\$	plus % of
13	not over \$15,840		excess over \$10,560
14	Over \$15,840 but	\$	plus % of
15	not over \$21,120		excess over \$15,840
16	Over \$21,120 but	\$	plus % of
17	not over \$26,400		excess over \$21,120
18	Over \$26,400 but	\$	plus % of
19	not over \$39,600		excess over \$26,400
20	Over \$39,600 but	\$	plus % of
21	not over \$52,800		excess over \$39,600

1	Over \$52,80	00 but	\$	plus	3	% of
2	not ove	r \$165,000	exc	ess over	\$52 , 8	00
3	<u>Over \$165,0</u>	000 but	\$	plus	3	% of
4	not over	\$192,500	exc	ess over	\$165 ,	000
5	Over \$192,5	500 but	\$	plı	ıs	% of
6	not over	\$220,000	exc	ess over	\$192 ,	500
7	Over \$220,0	000	\$	plı	15	% of
8			<u>ex</u>	cess over	\$220,	,000."
9	SECTION 3. Sect	ion 235-55.6,	Hawaii Rev	ised Statı	ıtes,	is
10	amended to read as fo	ollows:				
11	"§235-55.6 Ежре	enses for hous	ehold and de	ependent o	care	
12	services necessary fo	or gainful emp	oloyment. (a	a) Allowa	ance c	of
13	credit.					
14	(1) In general.	For each re	sident taxpa	ayer, who	files	an
15	individual	income tax re	turn for a	taxable ye	ear, a	ınd
16	who is not	claimed or is	not otherw	ise eligik	ole to) be
17	claimed as	a dependent b	y another ta	axpayer fo	or fed	leral
18	or Hawaii s	tate individu	al income ta	ax purpose	es, wh	10
19	maintains a	household wh	ich includes	s as a men	nber c	ne
20	or more qua	lifying indiv	iduals (as o	defined in	1	
21	subsection	(b)(1)), ther	e shall be a	allowed as	s a cr	redit

1		against the tax imposed by this chapter for the
2		taxable year an amount equal to the applicable
3		percentage of the employment-related expenses (as
4		defined in subsection (b)(2)) paid by the individual
5		during the taxable year. If the tax credit claimed by
6		a resident taxpayer exceeds the amount of income tax
7		payment due from the resident taxpayer, the excess of
8		the credit over payments due shall be refunded to the
9		resident taxpayer; provided that tax credit properly
10		claimed by a resident individual who has no income tax
11		liability shall be paid to the resident individual;
12		and provided further that no refunds or payment on
13		account of the tax credit allowed by this section
14		shall be made for amounts less than \$1.
15	(2)	Applicable percentage. For purposes of paragraph (1),
16		the taxpayer's applicable percentage shall be
17		[determined as follows:
18		Adjusted gross income Applicable percentage
19		Not over \$25,000
20		Over \$25,000 but 24%
21		not over \$30,000

1		Over \$30,000 but	23%	
2		not over \$35,000		
3		Over \$35,000 but	22%	
4	not over \$40,000			
5	Over \$40,000 but 21%			
6		not over \$45,000		
7		Over \$45,000 but	20%	
8		not over \$50,000		
9		Over \$50,000	15%.]	
10		equal to per cent redu	ced by one percentage point	
11		for each \$, or fr	action thereof, by which	
12		the taxpayer's adjusted gro	ss income exceeds the	
13		threshold amount; provided	that the applicable	
14		percentage shall not be red	uced below per cent.	
15	(3)	Threshold amount. For purp	oses of paragraph (2), for	
16		taxable years beginning aft	er December 31, 2023, the	
17		threshold amount shall be \$		
18	(b)	Definitions of qualifying i	ndividual and	
19	employmen	t-related expenses. For pur	poses of this section:	
20	(1)	Qualifying individual. The	term "qualifying	
21		individual" means:		

1		(A)	A dependent of the taxpayer who is under the age
2			of thirteen and with respect to whom the taxpayer
3			is entitled to a deduction under section
4			235-54(a),
5		(B)	A dependent of the taxpayer who is physically or
6			mentally incapable of caring for oneself, or
7		(C)	The spouse of the taxpayer, if the spouse is
8			physically or mentally incapable of caring for
9			oneself.
10	(2)	Empl	oyment-related expenses.
11		(A)	In general. The term "employment-related
12			expenses" means amounts paid for the following
13			expenses, but only if such expenses are incurred
14			to enable the taxpayer to be gainfully employed
15			for any period for which there are one or more
16			qualifying individuals with respect to the
17			taxpayer:
18			(i) Expenses for household services, and
19			(ii) Expenses for the care of a qualifying
20			individual.

•		oden term sharr not include any amount pard for
2		services outside the taxpayer's household at a
3		camp where the qualifying individual stays
4		overnight.
5	(B)	Exception. Employment-related expenses described
6		in subparagraph (A) which are incurred for
7		services outside the taxpayer's household shall
8		be taken into account only if incurred for the
9		care of:
10		(i) A qualifying individual described in
11		paragraph (1)(A), or
12	(ii) A qualifying individual (not described in
13		paragraph (1)(A)) who regularly spends at
14		least eight hours each day in the taxpayer's
15		household.
16	(C)	Dependent care centers. Employment-related
17		expenses described in subparagraph (A) which are
18		incurred for services provided outside the
19		taxpayer's household by a dependent care center
20		(as defined in subparagraph (D)) shall be taken
21		<pre>into account only if:</pre>

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

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

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

1		In the case of any husband and wife, this paragraph
2		shall apply with respect to only one spouse for any
3		one month.
4	(e)	Special rules. For purposes of this section:
5	(1)	Maintaining household. An individual shall be treated
6		as maintaining a household for any period only if over
7		half the cost of maintaining the household for the
8		period is furnished by the individual (or, if the
9		individual is married during the period, is furnished
10		by the individual and the individual's spouse).
11	(2)	Married couples must file joint return. If the
12		taxpayer is married at the close of the taxable year
13		the credit shall be allowed under subsection(a) only
14		if the taxpayer and the taxpayer's spouse file a joint
15		return for the taxable year.
16	(3)	Marital status. An individual legally separated from
17		the individual's spouse under a decree of divorce or
18		of separate maintenance shall not be considered as
19		married.
20	(4)	Certain married individuals living apart. If:

1		(A) An ind	dividual who is married and who files a
2		separa	ate return:
3		(i) I	Maintains as the individual's home a
4		ł	nousehold that constitutes for more than
5		C	one-half of the taxable year the principal
6		ŗ	place of abode of a qualifying individual,
7		ć	and
8		(ii) H	Furnishes over half of the cost of
9		r	naintaining the household during the taxable
10		7	vear, and
11		(B) During	g the last six months of the taxable year
12		the ir	ndividual's spouse is not a member of the
13		househ	nold,
14		the individ	dual shall not be considered as married.
15	(5)	Special dep	pendency test in case of divorced parents,
16		etc. If:	
17		(A) Paragr	eaph (2) or (4) of section 152(e) of the
18		Interr	al Revenue Code of 1986, as amended,
19		applie	es to any child with respect to any calendar
20		year,	and

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

1		(B) Who is a child of the taxpayer (within the
2		meaning of section 151(c)(3) of the Internal
3		Revenue Code of 1986, as amended) who has not
4		attained the age of nineteen at the close of the
5		taxable year.
6		For purposes of this paragraph, the term "taxable
7		year" means the taxable year of the taxpayer in which
8		the service is performed.
9	(7)	Student. The term "student" means an individual who,
10		during each of five calendar months during the taxable
11		year, is a full-time student at an educational
12		organization.
13	(8)	Educational organization. The term "educational
14		organization" means a school operated by the
15		department of education under chapter 302A, an
16		educational organization described in section
17		170(b)(1)(A)(ii) of the Internal Revenue Code of 1986,
18		as amended, or a university, college, or community
19		college.
20	(9)	Identifying information required with respect to
21		service provider. No credit shall be allowed under

1	subsection (a) for any amount paid to any person	
2	unless:	
3	(A)	The name, address, taxpayer identification
4		number, and general excise tax license number of
5		the person are included on the return claiming
6		the credit,
7	(B)	If the person is located outside the State, the
8		name, address, and taxpayer identification
9		number, if any, of the person and a statement
10		indicating that the service provider is located
11		outside the State and that the general excise tax
12		license and, if applicable, the taxpayer
13		identification numbers are not required, or
14	(C)	If the person is an organization described in
15		section 501(c)(3) of the Internal Revenue Code
16		and exempt from tax under section 501(a) of the
17		Internal Revenue Code, the name and address of
18		the person are included on the return claiming
19		the credit.
20	In th	he case of a failure to provide the information
21	requi	ired under the preceding sentence, the preceding

1		sentence shall not apply if it is shown that the
2		taxpayer exercised due diligence in attempting to
3		provide the information so required.
4	<u>(f)</u>	No credit shall be allowed under this section for any
5	taxable y	ear in the disallowance period. For purposes of this
6	subsectio	n, the disallowance period is:
7	(1)	The period of ten taxable years after the most recent
8		taxable year for which there was a final
9		administrative or judicial decision that the
10		taxpayer's claim for credit under this section was due
11		to fraud; and
12	(2)	The period of two taxable years after the most recent
13		taxable year for which there was a final
14		administrative or judicial decision disallowing the
15		taxpayer's claim for credit.
16	[(f)] <u>(g)</u> Rules. The director of taxation shall prescribe
17	such rule:	s under chapter 91 as may be necessary to carry out the
18	purposes o	of this section."
19	SECT	ION 4. Statutory material to be repealed is bracketed
20	and stric	ken. New statutory material is underscored.

- 1 SECTION 5. This Act shall take effect on July 1, 3000, and
- 2 shall apply to taxable years beginning after December 31, 2023;
- 3 provided that on December 31, 2027, the amendments to section
- 4 235-55.6(a), Hawaii Revised Statutes, in section 3 of this Act
- 5 shall be repealed and section 235-55.6(a), Hawaii Revised
- 6 Statutes, shall be reenacted in the form in which it read on the
- 7 day before the effective date of this Act.

Report Title:

Income Tax; Itemized Deduction; Income Tax Brackets; Child and Dependent Care Tax Credit; Conformity with Federal Deductions

Description:

Amends income tax brackets. Temporarily amends the applicable percentage of the employment-related expenses for which the child and dependent care income tax credit may be claimed and permanently provides for a disallowance period when there is a final administrative or judicial decision finding that the claim was due to fraud or disallowing the credit. Amends state conformity with certain federal deductions. 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.