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# 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 to read as follows:

6       **"§235-2.3 Conformance to the federal Internal Revenue**  
7 **Code; general application.** (a) For all taxable years beginning  
8 after December 31, [~~2024~~] 2025, as used in this chapter, except  
9 as provided in this section and sections 235-2.35, 235-2.4, and  
10 235-2.45, "Internal Revenue Code" means subtitle A, chapter 1,  
11 of the federal Internal Revenue Code of 1986, as amended as of  
12 December 31, [~~2024~~] 2025, as it applies to the determination of  
13 gross income, adjusted gross income, ordinary income and loss,  
14 and taxable income, except those provisions of the Internal  
15 Revenue Code which, pursuant to this chapter, do not apply or  
16 are otherwise limited in application.

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

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

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

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

12 Prior law shall continue to be used to determine:

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

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

19 (b) The following Internal Revenue Code subchapters, parts  
20 of subchapters, sections, subsections, and parts of subsections  
21 shall not be operative for the purposes of this chapter, unless  
22 otherwise provided:

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- 1           (1) Subchapter A (sections 1 to 59A) (with respect to  
2           determination of tax liability), except section  
3           1(h)(2) (relating to net capital gain reduced by the  
4           amount taken into account as investment income),  
5           except sections 2(a), 2(b), and 2(c) (with respect to  
6           the definition of "surviving spouse" and "head of  
7           household"), except section 41 (with respect to the  
8           credit for increasing research activities), except  
9           section 42 (with respect to low-income housing  
10          credit), except sections 47 and 48, as amended, as of  
11          December 31, 1984 (with respect to certain depreciable  
12          tangible personal property), and except section  
13          48(d)(3), as amended, as of February 17, 2009 (with  
14          respect to the treatment of United States Department  
15          of Treasury grants made under section 1603 of the  
16          American Recovery and Reinvestment Tax Act of 2009).  
17          For treatment, see sections 235-110.91, 235-110.7, and  
18          235-110.8;
- 19          (2) Section 78 (with respect to dividends received from  
20          certain foreign corporations by domestic corporations  
21          choosing foreign tax credit);

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- 1       (3) Section 86 (with respect to social security and tier 1  
2       railroad retirement benefits);
- 3       (4) Section 91 (with respect to certain foreign branch  
4       losses transferred to specified 10-percent owned  
5       foreign corporations);
- 6       (5) Section 103 (with respect to interest on state and  
7       local bonds). For treatment, see section 235-7(b);
- 8       (6) Section 114 (with respect to extraterritorial income).  
9       For treatment, any transaction as specified in the  
10      transitional rule for 2005 and 2006 as specified in  
11      the American Jobs Creation Act of 2004 section 101(d)  
12      and any transaction that has occurred pursuant to a  
13      binding contract as specified in the American Jobs  
14      Creation Act of 2004 section 101(f) are inoperative;
- 15      (7) Section 120 (with respect to amounts received under  
16      qualified group legal services plans). For treatment,  
17      see section 235-7(a)(9) to (11);
- 18      (8) Section 122 (with respect to certain reduced uniformed  
19      services retirement pay). For treatment, see section  
20      235-7(a)(3);

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(9) Section 135 (with respect to income from United States savings bonds used to pay higher education tuition and fees). For treatment, see section 235-7(a)(1);

(10) Section 139C (with respect to COBRA premium assistance);

(11) Section 139K (with respect to scholarships for qualified elementary or secondary education expenses of eligible students);

(12) Section 139L (with respect to interest on loans secured by rural or agricultural real property);

~~[(11)]~~ (13) Subchapter B (sections 141 to 150) (with respect to tax exemption requirements for state and local bonds);

~~[(12)]~~ (14) Section 151 (with respect to allowance of deductions for personal exemptions). For treatment, see section 235-54;

(15) Section 174A (with respect to domestic research or experimental expenditures);

~~[(13)]~~ (16) Section 179B (with respect to expensing of capital costs incurred in complying with Environmental Protection Agency sulphur regulations);

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1       ~~[(14)]~~ (17)   Section 181 (with respect to special rules for  
2                   certain film and television productions);

3       ~~[(15)]~~ (18)   Section 196 (with respect to deduction for  
4                   certain unused investment credits);

5       ~~[(16)]~~ (19)   Section 199 (with respect to the U.S. production  
6                   activities deduction);

7       ~~[(17)]~~ (20)   Section 199A (with respect to qualified business  
8                   income);

9       ~~[(18)]~~ (21)   Section 222 (with respect to qualified tuition  
10                  and related expenses);

11       (22)   Section 225 (with respect to qualified overtime  
12                  compensation);

13       ~~[(19)]~~ (23)   Sections 241 to 247 (with respect to special  
14                  deductions for corporations). For treatment, see  
15                  section 235-7(c);

16       ~~[(20)]~~ (24)   Section 250 (with respect to foreign-derived  
17                  intangible income and global intangible low-taxed  
18                  income);

19       ~~[(21)]~~ (25)   Section 267A (with respect to certain related  
20                  party amounts paid or accrued in hybrid transactions  
21                  or with hybrid entities);

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1     ~~[(22)]~~ (26)   Section 280C (with respect to certain expenses  
2                   for which credits are allowable). For treatment, see  
3                   section 235-110.91;

4     ~~[(23)]~~ (27)   Section 291 (with respect to special rules  
5                   relating to corporate preference items);

6     ~~[(24)]~~ (28)   Section 367 (with respect to foreign  
7                   corporations);

8     ~~[(25)]~~ (29)   Section 501(c) (12), (15), (16) (with respect to  
9                   exempt organizations); except that section 501(c) (12)  
10                  shall be operative for companies that provide potable  
11                  water to residential communities that lack any access  
12                  to public utility water services;

13    ~~[(26)]~~ (30)   Section 515 (with respect to taxes of foreign  
14                  countries and possessions of the United States);

15    ~~[(27)]~~ (31)   Subchapter G (sections 531 to 565) (with respect  
16                  to corporations used to avoid income tax on  
17                  shareholders);

18    ~~[(28)]~~ (32)   Subchapter H (sections 581 to 597) (with respect  
19                  to banking institutions), except section 584 (with  
20                  respect to common trust funds). For treatment, see  
21                  chapter 241;

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1     ~~[(+29+)]~~ (33)   Section 642(a) and (b) (with respect to special  
2                   rules for credits and deductions applicable to  
3                   trusts). For treatment, see sections 235-54(b) and  
4                   235-55;

5     ~~[(+30+)]~~ (34)   Section 646 (with respect to tax treatment of  
6                   electing Alaska Native settlement trusts);

7     ~~[(+31+)]~~ (35)   Section 668 (with respect to interest charge on  
8                   accumulation distributions from foreign trusts);

9     ~~[(+32+)]~~ (36)   Subchapter L (sections 801 to 848) (with respect  
10                  to insurance companies). For treatment, see sections  
11                  431:7-202 and 431:7-204;

12    ~~[(+33+)]~~ (37)   Section 853 (with respect to foreign tax credit  
13                  allowed to shareholders). For treatment, see section  
14                  235-55;

15    ~~[(+34+)]~~ (38)   Section 853A (with respect to credits from tax  
16                  credit bonds allowed to shareholders);

17    ~~[(+35+)]~~ (39)   Subchapter N (sections 861 to 999) (with respect  
18                  to tax based on income from sources within or without  
19                  the United States), except sections 985 to 989 (with  
20                  respect to foreign currency transactions). For  
21                  treatment, see sections 235-4, 235-5, and 235-7(b),  
22                  and 235-55;

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1     ~~[(36)]~~ (40)   Section 1042 (g) (with respect to sales of stock  
2                   in agricultural refiners and processors to eligible  
3                   farm cooperatives);

4     ~~[(37)]~~ (41)   Section 1055 (with respect to redeemable ground  
5                   rents);

6     ~~[(38)]~~ (42)   Section 1057 (with respect to election to treat  
7                   transfer to foreign trust, etc., as taxable exchange);

8     (43)   Section 1062 (with respect to gain from the sale or  
9                   exchange of qualified farmland property to qualified  
10                  farmers);

11    ~~[(39)]~~ (44)   Sections 1291 to 1298 (with respect to treatment  
12                  of passive foreign investment companies);

13    ~~[(40)]~~ (45)   Subchapter Q (sections 1311 to 1351) (with  
14                  respect to readjustment of tax between years and  
15                  special limitations), except for section 1341 (with  
16                  respect to computation of tax where taxpayer restores  
17                  substantial amount held under claim of right);

18    ~~[(41)]~~ (46)   Subchapter R (sections 1352 to 1359) (with  
19                  respect to election to determine corporate tax on  
20                  certain international shipping activities using per  
21                  ton rate);

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1     ~~[(42)]~~ (47) Subchapter U (sections 1391 to 1397F) (with  
2             respect to designation and treatment of empowerment  
3             zones, enterprise communities, and rural development  
4             investment areas). For treatment, see chapter 209E;

5     ~~[(43)]~~ (48) Subchapter W (sections 1400 to 1400C) (with  
6             respect to District of Columbia enterprise zone);

7     ~~[(44)]~~ (49) Section 1400O (with respect to education tax  
8             benefits);

9     ~~[(45)]~~ (50) Section 1400P (with respect to housing tax  
10            benefits);

11    ~~[(46)]~~ (51) Section 1400R (with respect to employment  
12            relief);

13    ~~[(47)]~~ (52) Section 1400T (with respect to special rules for  
14            mortgage revenue bonds);

15    ~~[(48)]~~ (53) Section 1400U-1 (with respect to allocation of  
16            recovery zone bonds);

17    ~~[(49)]~~ (54) Section 1400U-2 (with respect to recovery zone  
18            economic development bonds); and

19    ~~[(50)]~~ (55) Section 1400U-3 (with respect to recovery zone  
20            facility bonds)."

21       SECTION 3. Section 235-2.4, Hawaii Revised Statutes, is  
22    amended to read as follows:

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1       **"§235-2.4 Operation of certain Internal Revenue Code**  
2 **provisions; sections 63 to 530.** (a) Section 63 (with respect  
3 to taxable income defined) of the Internal Revenue Code shall be  
4 operative for the purposes of this chapter, subject to the  
5 following:

- 6       (1) Section 63(c)(1)(B) (relating to the additional  
7 standard deduction), [~~63(c)(1)(C) (relating to the~~  
8 ~~real property tax deduction)~~, ~~63(c)(1)(D) (relating to~~  
9 ~~the disaster loss deduction)~~, ~~63(c)(1)(E) (relating to~~  
10 ~~the motor vehicle sales tax deduction)~~,] 63(c)(4)  
11 (relating to inflation adjustments), 63(c)(7)  
12 [~~(defining the real property tax deduction)~~, ~~63(c)(8)~~  
13 ~~(defining the disaster loss deduction)~~, ~~63(c)(9)~~  
14 ~~(defining the motor vehicle sales tax deduction)~~,]  
15 (relating to special rules for taxable years beginning  
16 after 2017), and 63(f) (relating to additional amounts  
17 for the aged or blind) of the Internal Revenue Code  
18 shall not be operative for purposes of this chapter;  
19       (2) Section 63(c)(2) (relating to the basic standard  
20 deduction) of the Internal Revenue Code shall be  
21 operative, except that the standard deduction amounts  
22 provided therein shall instead mean:

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- 1 (A) \$4,400 in the case of:
- 2 (i) A joint return as provided by section 235-
- 3 93; or
- 4 (ii) A surviving spouse (as defined in section
- 5 2(a) of the Internal Revenue Code);
- 6 (B) \$3,212 in the case of a head of household (as
- 7 defined in section 2(b) of the Internal Revenue
- 8 Code);
- 9 (C) \$2,200 in the case of an individual who is not
- 10 married and who is not a surviving spouse or head
- 11 of household;
- 12 (D) \$2,200 in the case of a married individual filing
- 13 a separate return;
- 14 (E) For taxable years beginning after December 31,
- 15 2023:
- 16 (i) \$8,800 in the case of a joint return as
- 17 provided by section 235-93 or a surviving
- 18 spouse (as defined in section 2(a) of the
- 19 Internal Revenue Code);
- 20 (ii) \$6,424 in the case of a head of household
- 21 (as defined in section 2(b) of the Internal
- 22 Revenue Code);

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(iii) \$4,400 in the case of an individual who is  
not married and who is not a surviving  
spouse or head of household; or

(iv) \$4,400 in the case of a married individual  
filing a separate return;

(F) For taxable years beginning after December 31,  
2025:

(i) \$16,000 in the case of a joint return as  
provided by section 235-93 or a surviving  
spouse (as defined in section 2(a) of the  
Internal Revenue Code);

(ii) \$12,000 in the case of a head of household  
(as defined in section 2(b) of the Internal  
Revenue Code);

(iii) \$8,000 in the case of an individual who is  
not married and who is not a surviving  
spouse or head of household; or

(iv) \$8,000 in the case of a married individual  
filing a separate return;

(G) For taxable years beginning after December 31,  
2027:

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- 1                   (i) \$18,000 in the case of a joint return as  
2                   provided by section 235-93 or a surviving  
3                   spouse (as defined in section 2(a) of the  
4                   Internal Revenue Code);
- 5                   (ii) \$13,500 in the case of a head of household  
6                   (as defined in section 2(b) of the Internal  
7                   Revenue Code);
- 8                   (iii) \$9,000 in the case of an individual who is  
9                   not married and who is not a surviving  
10                  spouse or head of household; or
- 11                  (iv) \$9,000 in the case of a married individual  
12                  filing a separate return;
- 13           (H) For taxable years beginning after December 31,  
14           2029:
- 15                  (i) \$20,000 in the case of a joint return as  
16                  provided by section 235-93 or a surviving  
17                  spouse (as defined in section 2(a) of the  
18                  Internal Revenue Code);
- 19                  (ii) \$15,000 in the case of a head of household  
20                  (as defined in section 2(b) of the Internal  
21                  Revenue Code);

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1 (iii) \$10,000 in the case of an individual who is  
2 not married and who is not a surviving  
3 spouse or head of household; or

4 (iv) \$10,000 in the case of a married individual  
5 filing a separate return; and

6 (I) For taxable years beginning after December 31,  
7 2030:

8 (i) \$24,000 in the case of a joint return as  
9 provided by section 235-93 or a surviving  
10 spouse (as defined in section 2(a) of the  
11 Internal Revenue Code);

12 (ii) \$18,000 in the case of a head of household  
13 (as defined in section 2(b) of the Internal  
14 Revenue Code);

15 (iii) \$12,000 in the case of an individual who is  
16 not married and who is not a surviving  
17 spouse or head of household; or

18 (iv) \$12,000 in the case of a married individual  
19 filing a separate return;

20 (3) Section 63(c)(5) (limiting the basic standard  
21 deduction in the case of certain dependents) of the  
22 Internal Revenue Code shall be operative, except that

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1           the limitation shall be the greater of \$500 or the  
2           individual's earned income; and

3           (4) The standard deduction amount for nonresidents shall  
4           be calculated pursuant to section 235-5.

5           ~~[(b) Section 67 (with respect to the 2-percent floor on~~  
6 ~~miscellaneous itemized deductions) of the Internal Revenue Code~~  
7 ~~shall be operative for purposes of this chapter, except that the~~  
8 ~~suspension in section 67(g) shall not be operative for purposes~~  
9 ~~of this chapter.~~

10          ~~-(e)]~~ (b) Section 68 (with respect to the overall  
11 limitation on itemized deductions) of the Internal Revenue Code  
12 shall be operative; provided that the~~[-~~

13          ~~-(1) Thresholds]~~ thresholds shall be those that were  
14          operative for federal tax year 2009~~[-and~~

15          ~~-(2) Suspension in section 68(f) shall not be operative for~~  
16 ~~purposes of this chapter].~~

17          ~~[-(d)]~~ (c) Section 72 (with respect to annuities; certain  
18 proceeds of endowment and life insurance contracts) of the  
19 Internal Revenue Code shall be operative for purposes of this  
20 chapter and be interpreted with due regard to section 235-7(a),  
21 except that the ten per cent additional tax on early

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1 distributions from retirement plans in section 72(t) shall not  
2 be operative for purposes of this chapter.

3       ~~[(e)]~~ (d) Section 85 (with respect to unemployment  
4 compensation) of the Internal Revenue Code shall be operative  
5 for purposes of this chapter, except that section 85(c) shall  
6 not be operative for purposes of this chapter.

7       ~~[(f)]~~ (e) Section 108 (with respect to income from  
8 discharge of indebtedness) of the Internal Revenue Code shall be  
9 operative for purposes of this chapter, except that section  
10 108(i) (relating to deferral and ratable inclusion of income  
11 arising from business indebtedness discharged by the  
12 reacquisition of a debt instrument) shall not be operative for  
13 purposes of this chapter.

14       ~~[(g)]~~ (f) Section 121 (with respect to exclusion of gain  
15 from sale of principal residence) of the Internal Revenue Code  
16 shall be operative for purposes of this chapter, except that for  
17 the election under section 121(f), a reference to section 1034  
18 treatment means a reference to section 235-2.4(n) in effect for  
19 taxable year 1997.

20       ~~[(h)]~~ (g) Section 132 (with respect to certain fringe  
21 benefits) of the Internal Revenue Code shall be operative for  
22 purposes of this chapter, except that:

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(1) The [~~suspensions~~] suspension in section [~~132(f)(8)~~  
and] 132(g)(2) shall not be operative for purposes of  
this chapter; and

(2) Section 132(n) shall not apply to United States  
Department of Defense Homeowners Assistance Program  
payments authorized by the American Recovery and  
Reinvestment Act of 2009.

[~~(j)~~] (h) Section 162 (with respect to trade or business  
expenses) of the Internal Revenue Code shall be operative for  
the purposes of this chapter, except that sections 162(f)(2),  
(3), and (4) (all of which relate to exceptions to the general  
rule, established in section 162(f)(1), that no deduction is  
allowed for the payment of fines or penalties) shall not be  
operative for purposes of this chapter.

[~~(j)~~] (i) Section 163 (with respect to interest) of the  
Internal Revenue Code shall be operative for the purposes of  
this chapter, except that the following provisions shall not be  
operative for the purposes of this chapter:

(1) Section 163(d)(4)(B) (defining net investment income  
to exclude dividends);

(2) Section 163(e)(5)(F) (suspension of applicable high-  
yield discount obligation (AHYDO) rules);

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(3) Section 163(h) (3) (F) (limiting mortgage interest);

[and]

(4) Section 163(h) (4) (qualified passenger vehicle loan interest); and

~~[(4)]~~ (5) Section 163(i) (1) as it applies to debt instruments issued after January 1, 2010 (defining AHYDO).

~~[(k)]~~ (j) Section 164 (with respect to taxes) of the Internal Revenue Code shall be operative for the purposes of this chapter, except that:

(1) Section 164(b) (6) (B) (limiting the deduction for state and local taxes) and (b) (7) (with respect to applicable limitation amount) shall not be operative for the purposes of this chapter;

(2) The deductions under section 164(a) (3) and (b) (5) shall not be operative for corporate taxpayers and shall be operative only for the following individual taxpayers:

(A) A taxpayer filing a single return or a married person filing separately with a federal adjusted gross income of less than \$100,000;

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(B) A taxpayer filing as a head of household with a federal adjusted gross income of less than \$150,000; and

(C) A taxpayer filing a joint return or as a surviving spouse with a federal adjusted gross income of less than \$200,000; and

(3) Section 164(a) (3) shall not be operative for any amounts for which the credit under section 235-55 has been claimed.

~~[(1)]~~ (k) Section 165 (with respect to losses) of the Internal Revenue Code shall be operative for purposes of this chapter, except that:

(1) The amount prescribed by section 165(h) (1) (relating to the limitation per casualty) of the Internal Revenue Code shall be a \$100 limitation per casualty;

(2) Section 165(h) (3) (A) and (B) (both of which relate to special rules for personal casualty gains and losses in federally declared disasters) of the Internal Revenue Code shall not be operative for the purposes of this chapter;

~~[(3) Section 165(h) (5) (relating to the limitation on the deductibility of personal casualty losses that are not~~

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1           ~~attributable to federally declared disasters) shall~~  
2           ~~not be operative for purposes of this chapter;~~] and  
3       ~~[(4)]~~ (3) Section 165 as operative for this chapter shall  
4           also apply to losses sustained from the sale of stocks  
5           or other interests issued through the exercise of the  
6           stock options or warrants granted by a qualified high  
7           technology business as defined in section 235-7.3.

8       ~~[(m)]~~ (l) Section 168 (with respect to the accelerated  
9       cost recovery system) of the Internal Revenue Code shall be  
10       operative for purposes of this chapter, except that sections  
11       168(j) (relating to property on Indian reservations), 168(k)  
12       (relating to the special allowance for certain property acquired  
13       during the period specified therein), ~~[and]~~ 168(m) (relating to  
14       the special allowance for certain reuse and recycling property),  
15       and 168(n) (relating to the special allowance for qualified  
16       production property) of the Internal Revenue Code shall not be  
17       operative for purposes of this chapter.

18       ~~[(n)]~~ (m) Section 172 (with respect to net operating loss  
19       deductions) of the Internal Revenue Code shall be operative for  
20       purposes of this chapter in the form that it existed as of  
21       December 31, 2019, and as further provided in section 235-7(d).

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1        (n) Section 174 (with respect to amortization of research  
2        and experimental expenditures) of the Internal Revenue Code  
3        shall be operative for purposes of this chapter in the form that  
4        it existed as of December 31, 2024.

5        (o) Section 179 (with respect to the election to expense  
6        certain depreciable business assets) of the Internal Revenue  
7        Code shall be operative for purposes of this chapter, except as  
8        provided in this subsection:

9            (1) The aggregate cost provided in section 179(b)(1),  
10            which may be taken into account under section 179(a)  
11            for any taxable year, shall not exceed \$25,000;

12           (2) The amount at which the reduction in limitation  
13           provided in section 179(b)(2) begins shall exceed  
14           \$200,000 for any taxable year; and

15           (3) The following shall not be operative for purposes of  
16           this chapter:

17           (A) Defining section 179 property to include computer  
18           software in section 179(d)(1);

19           (B) Inflation adjustments in section ~~[179(b)(5);]~~  
20           179(b)(6); and

21           (C) Irrevocable election in section 179(c)(2) ~~[; and~~

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1           ~~(D) Special rules for qualified disaster assistance~~  
2           ~~property in section 179(e)] .~~

3           (p) Section 198A (with respect to the expensing of  
4 qualified disaster assistances expenses) of the Internal Revenue  
5 Code shall not be operative for purposes of this chapter.

6           (q) Section 217 (with respect to moving expenses) of the  
7 Internal Revenue Code shall be operative for purposes of this  
8 chapter, except that the suspension in section 217(k) shall not  
9 be operative for purposes of this chapter.

10          (r) Section 219 (with respect to retirement savings) of  
11 the Internal Revenue Code shall be operative for the purpose of  
12 this chapter. For the purpose of computing the limitation on  
13 the deduction for active participants in certain pension plans  
14 for state income tax purposes, adjusted gross income as used in  
15 section 219 as operative for this chapter means federal adjusted  
16 gross income.

17          (s) Section 220 (with respect to medical savings accounts)  
18 of the Internal Revenue Code shall be operative for the purpose  
19 of this chapter, but only with respect to medical services  
20 accounts that have been approved by the Secretary of the  
21 Treasury of the United States.

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1           (t) Section 265 (with respect to expenses and interest  
2 relating to tax-exempt income) of the Internal Revenue Code  
3 shall be operative for purposes of this chapter; except that  
4 section 265(b) (3) (G) and (7) shall not be operative and section  
5 265 shall not apply to expenses for royalties and other income  
6 derived from any patents, copyrights, and trade secrets by an  
7 individual or a qualified high technology business as defined in  
8 section 235-7.3. These expenses shall be deductible.

9           ~~[(u) Section 274 (with respect to the disallowance of~~  
10 ~~certain entertainment, etc., expenses) of the Internal Revenue~~  
11 ~~Code shall be operative for this chapter in the form that it~~  
12 ~~existed as of December 21, 2017.~~

13           ~~(v)]~~ (u) Section 280E (with respect to expenditures in  
14 connection with the illegal sale of drugs) of the Internal  
15 Revenue Code shall be operative for the purposes of this  
16 chapter, except that section 280E shall not be operative with  
17 respect to the production and sale of medical cannabis and  
18 manufactured cannabis products by dispensaries licensed under  
19 chapter 329D and their subcontractors, as defined in section  
20 329D-1.

21           ~~[(w)]~~ (v) Section 382 (with respect to limitation on net  
22 operating loss carryforwards and certain built-in losses

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1 following ownership change) of the Internal Revenue Code shall  
2 be operative for the purposes of this chapter, except that  
3 section 382(n) shall not be operative for purposes of this  
4 chapter.

5       ~~[(\*)]~~ (w) Section 408A (with respect to Roth Individual  
6 Retirement Accounts) of the Internal Revenue Code shall be  
7 operative for the purposes of this chapter, except that section  
8 408A(d) (3) (A) (iii) shall not be operative for purposes of this  
9 chapter. For the purposes of determining the aggregate amount  
10 of contributions to a Roth Individual Retirement Account or  
11 qualified rollover contribution to a Roth Individual Retirement  
12 Account from an individual retirement plan other than a Roth  
13 Individual Retirement Account, adjusted gross income as used in  
14 section 408A as operative for this chapter means federal  
15 adjusted gross income.

16       ~~[(y)]~~ (x) In administering the provisions of sections 410  
17 to 417 (with respect to special rules relating to pensions,  
18 profit sharing, stock bonus plans, etc.), sections 418 to 418E  
19 (with respect to special rules for multiemployer plans), and  
20 sections 419 and 419A (with respect to treatment of welfare  
21 benefit funds) of the Internal Revenue Code, the department of  
22 taxation shall adopt rules under chapter 91 relating to the

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1 specific requirements under those sections and to other  
2 administrative requirements under those sections as may be  
3 necessary for the efficient administration of sections 410 to  
4 419A.

5 In administering sections 401 to 419A (with respect to  
6 deferred compensation) of the Internal Revenue Code, Public Law  
7 93-406, section 1017(i), shall be operative for the purposes of  
8 this chapter.

9 In administering section 402 (with respect to the  
10 taxability of beneficiary of employees' trust) of the Internal  
11 Revenue Code, the tax imposed on lump sum distributions by  
12 section 402(e) of the Internal Revenue Code shall be operative  
13 for the purposes of this chapter and the tax imposed therein is  
14 hereby imposed by this chapter at the rate determined under this  
15 chapter.

16 [~~(z)~~] (y) In administering section 403 (with respect to  
17 taxation of employee annuities) of the Internal Revenue Code,  
18 any funds that represent pre-tax employee deferrals or  
19 contributions that are distributed from the annuity and used  
20 solely to obtain retirement credits under the state employees'  
21 retirement system shall not be treated as a rollover for  
22 purposes of section 403(b)(8)(A) of the Internal Revenue Code,

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1 and those funds shall be subject to income tax under this  
2 chapter.

3       ~~[(aa)]~~ (z) Section 451 (which provides general rules for  
4 taxable year of inclusion) of the Internal Revenue Code shall be  
5 operative, except that section 451(k) (3) and (6), as it relates  
6 to a qualified electric utility, shall not be operative for  
7 purposes of this chapter.

8       ~~[(bb)]~~ (aa) In administering section 457 (with respect to  
9 compensation plans of state and local governments and tax-exempt  
10 organizations) of the Internal Revenue Code, any funds that  
11 represent pre-tax employee deferrals or contributions that are  
12 distributed from the deferred compensation plan and used solely  
13 to obtain retirement credits under the state employees'  
14 retirement system shall not be treated as a rollover for  
15 purposes of section 457(e) (16) (A) of the Internal Revenue Code  
16 and those funds shall be subject to income tax under this  
17 chapter.

18       ~~[(cc)]~~ ~~Section 461 (with respect to the general rule for~~  
19 ~~taxable year of deduction) of the Internal Revenue Code, shall~~  
20 ~~be operative for purposes of this chapter in the form that it~~  
21 ~~existed as of December 31, 2019.~~

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1       ~~(dd)~~ (bb) Section 468B (with respect to special rules for  
2 designated settlement funds) of the Internal Revenue Code shall  
3 be operative for the purposes of this chapter and the tax  
4 imposed therein is hereby imposed by this chapter at a rate  
5 equal to the maximum rate in effect for the taxable year imposed  
6 on estates and trusts under section 235-51.

7       ~~[(ee)]~~ (cc) Section 469 (with respect to passive  
8 activities and credits limited) of the Internal Revenue Code  
9 shall be operative for the purposes of this chapter. For the  
10 purpose of computing the offset for rental real estate  
11 activities for state income tax purposes, adjusted gross income  
12 as used in section 469 as operative for this chapter means  
13 federal adjusted gross income.

14       ~~[(ff)]~~ (dd) Sections 512 to 514 (with respect to taxation  
15 of business income of certain exempt organizations) of the  
16 Internal Revenue Code shall be operative for the purposes of  
17 this chapter as provided in this subsection.

18       "Unrelated business taxable income" means the same as in  
19 the Internal Revenue Code, except that:

- 20       (1) In the computation of unrelated business taxable  
21 income, sections 235-3 to 235-5, and 235-7 (except  
22 subsection (c)), shall apply;

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(2) In the determination of the net operating loss deduction there shall not be taken into account any amount of income or deduction that is excluded in computing the unrelated business taxable income; and

(3) Unrelated business taxable income shall not include any income from a legal service plan.

For a person described in section 401 or 501 of the Internal Revenue Code, as modified by section 235-2.3, the tax imposed by section 235-51 or 235-71 shall be imposed upon the person's unrelated business taxable income.

~~[(gg)]~~ (ee) Section 521 (with respect to cooperatives) and subchapter T (sections 1381 to 1388, with respect to cooperatives and their patrons) of the Internal Revenue Code shall be operative for the purposes of this chapter as to any cooperative fully meeting the requirements of section 421-23, except that Internal Revenue Code section 521 cooperatives need not be organized in Hawaii.

~~[(hh)]~~ (ff) Sections 527 (with respect to political organizations) and 528 (with respect to certain homeowners associations) of the Internal Revenue Code shall be operative for the purposes of this chapter and the taxes imposed in each

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1 section are hereby imposed by this chapter at the rates  
2 determined under section 235-71.

3 ~~[(ii)]~~ (gg) Section 529 (with respect to qualified tuition  
4 programs) shall be operative for the purposes of this chapter,  
5 except that sections 529(c) (6), 529(c) (7), and 529(e) (3) (A) (iii)  
6 shall not be operative.

7 ~~[(jj)]~~ (hh) Section 529A (with respect to qualified ABLE  
8 programs) shall be operative for the purposes of this chapter,  
9 except that section 529A(c) (3) (with respect to additional tax  
10 for distributions not used for disability expenses) shall not be  
11 operative.

12 ~~[(kk)]~~ (ii) Section 530 (with respect to Coverdell  
13 education savings accounts) of the Internal Revenue Code shall  
14 be operative for the purposes of this chapter. For the purpose  
15 of determining the maximum amount that a contributor could make  
16 to an education individual retirement account for state income  
17 tax purposes, modified adjusted gross income as used in section  
18 530 as operative for this chapter means federal modified  
19 adjusted gross income as defined in section 530."

20 SECTION 4. Section 235-2.45, Hawaii Revised Statutes, is  
21 amended by amending subsection (e) to read as follows:

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"(e) Section 1202 (with respect to partial exclusion for gain from certain small business stock) of the Internal Revenue Code shall be operative for purposes of this chapter~~[7]~~ in the form that it existed as of December 31, 2024, except that section 1202(a)(3) and (4) shall not be operative for purposes of this chapter."

SECTION 5. Section 236E-3, Hawaii Revised Statutes, is amended to read as follows:

**"§236E-3 Conformance to the Internal Revenue Code; general application.** For all decedents dying, or transfers occurring, after December 31, ~~[2024,]~~ 2025, as used in this chapter, "Internal Revenue Code" means subtitle B of the federal Internal Revenue Code of 1986, as amended as of December 31, ~~[2024,]~~ 2025, as it applies to the determination of gross estate, adjusted gross estate, federal taxable estate, and generation-skipping transfers, except those provisions of the Internal Revenue Code and federal public laws that, pursuant to this chapter, do not apply or are otherwise limited in application."

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval; provided that:

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- 1 (1) Sections 2, 3, and 4 shall apply to taxable years  
2 beginning after December 31, 2025; and  
3 (2) Section 5 shall apply to decedents dying or taxable  
4 transfers occurring after December 31, 2025.

5  
6 INTRODUCED BY:

*Nashin K. Nashin*

7  
BY REQUEST  
JAN 26 2026

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**Report Title:**

Conformity to the Internal Revenue Code for 2025; 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, 2025.

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

JUSTIFICATION SHEET

DEPARTMENT: Taxation

TITLE: A BILL FOR AN ACT RELATING TO CONFORMITY TO THE INTERNAL REVENUE CODE.

PURPOSE: To amend Hawaii's income and estate and generation-skipping transfer tax laws to conform to changes made to the Internal Revenue Code in calendar year 2025.

MEANS: Amend sections 235-2.3, 235-2.4, 235-2.45(e), and 236E-3, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Sections 235-2.5(c) and 236E-4(c), HRS, mandate that the Department submit to each regular session of the Legislature a bill that amends Hawaii's income and estate and generation-skipping transfer tax laws to conform to changes in the Internal Revenue Code (IRC).

This bill amends section 235-2.3(a) and section 236E-3, HRS, by changing the date as of which Hawaii adopts the IRC to December 31, 2025. These changes adopt income and estate and generation-skipping transfer tax law changes made in the 2025 calendar year.

The bill also amends section 235-2.3(b), HRS, to make sections 139K, 139L, 174A, 225, and 1062 of the IRC inoperative under chapter 235, HRS. Additionally, the bill amends section 235-2.4, HRS, to delete references to repealed IRC provisions; conforming Hawaii law to sections 67, 165(h)(5), 274, and 461 of the IRC; making sections 163(h)(4), 164(b)(7), 168(n), and 179(e) of the IRC inoperative; and making section 174 of the IRC operative in the form in effective as of December 31, 2024. The bill also amends section 235-2.45(e), HRS, to make section 1202 of the IRC operative as it existed on December 31, 2024, subject to specified exceptions.

Impact on the public: Conforming to amended provisions of the Internal Revenue Code will minimize taxpayers' burdens in complying with Hawaii's income and estate and generation-skipping transfer tax laws and simplify their filing of returns.

Impact on the department and other agencies: Conforming Hawaii's income and estate and generation-skipping transfer tax laws to those of the Internal Revenue Code will increase consistency between the state and federal jurisdictions.

GENERAL FUND: Estimated revenue loss of \$2.38 million in fiscal year (FY) 2027 and \$2.48 million in FY 2028, and estimated revenue gain of \$7.16 million in FY 2029, \$19.68 million in FY 2030, \$15.77 million in FY 31, and \$17.96 million in FY 2032.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: None.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE: Upon approval; income tax changes shall apply to taxable years beginning after December 31, 2025, and estate and generation-skipping transfer tax changes shall apply to decedents dying or taxable transfers occurring after December 31, 2025.