

JAN 17 2014

A BILL FOR AN ACT

RELATING TO TAXATION.

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

1 SECTION 1. Section 235-7, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) There shall be excluded from gross income, adjusted
4 gross income, and taxable income:

5 (1) Income not subject to taxation by the State under the
6 Constitution and laws of the United States;

7 (2) Rights, benefits, and other income exempted from
8 taxation by section 88-91, having to do with the state
9 retirement system, and the rights, benefits, and other
10 income, comparable to the rights, benefits, and other
11 income exempted by section 88-91, under any other
12 public retirement system;

13 (3) Any compensation received in the form of a pension for
14 past services;

15 (4) Compensation paid to a patient affected with Hansen's
16 disease employed by the State or the United States in
17 any hospital, settlement, or place for the treatment
18 of Hansen's disease;



1 (5) Except as otherwise expressly provided, payments made
2 by the United States or this State, under an act of
3 Congress or a law of this State, which by express
4 provision or administrative regulation or
5 interpretation are exempt from both the normal and
6 surtaxes of the United States, even though not so
7 exempted by the Internal Revenue Code itself;

8 (6) Any income expressly exempted or excluded from the
9 measure of the tax imposed by this chapter by any
10 other law of the State, it being the intent of this
11 chapter not to repeal or supersede any express
12 exemption or exclusion;

13 (7) Income received by each member of the reserve
14 components of the Army, Navy, Air Force, Marine Corps,
15 or Coast Guard of the United States of America, and
16 the Hawaii National Guard as compensation for
17 performance of duty, equivalent to pay received for
18 forty-eight drills (equivalent of twelve weekends) and
19 fifteen days of annual duty, at an:

20 (A) E-1 pay grade after eight years of service;
21 provided that this subparagraph shall apply to
22 taxable years beginning after December 31, 2004;



1 (B) E-2 pay grade after eight years of service;
2 provided that this subparagraph shall apply to
3 taxable years beginning after December 31, 2005;

4 (C) E-3 pay grade after eight years of service;
5 provided that this subparagraph shall apply to
6 taxable years beginning after December 31, 2006;

7 (D) E-4 pay grade after eight years of service;
8 provided that this subparagraph shall apply to
9 taxable years beginning after December 31, 2007;
10 and

11 (E) E-5 pay grade after eight years of service;
12 provided that this subparagraph shall apply to
13 taxable years beginning after December 31, 2008;

14 (8) Income derived from the operation of ships or aircraft
15 if the income is exempt under the Internal Revenue
16 Code pursuant to the provisions of an income tax
17 treaty or agreement entered into by and between the
18 United States and a foreign country; provided that the
19 tax laws of the local governments of that country
20 reciprocally exempt from the application of all of
21 their net income taxes, the income derived from the



- 1 operation of ships or aircraft that are documented or
- 2 registered under the laws of the United States;
- 3 (9) The value of legal services provided by a legal
- 4 service plan to a taxpayer, the taxpayer's spouse, and
- 5 the taxpayer's dependents;
- 6 (10) Amounts paid, directly or indirectly, by a legal
- 7 service plan to a taxpayer as payment or reimbursement
- 8 for the provision of legal services to the taxpayer,
- 9 the taxpayer's spouse, and the taxpayer's dependents;
- 10 (11) Contributions by an employer to a legal service plan
- 11 for compensation (through insurance or otherwise) to
- 12 the employer's employees for the costs of legal
- 13 services incurred by the employer's employees, their
- 14 spouses, and their dependents;
- 15 (12) Amounts received in the form of a monthly surcharge by
- 16 a utility acting on behalf of an affected utility
- 17 under section 269-16.3; provided that amounts retained
- 18 by the acting utility for collection or other costs
- 19 shall not be included in this exemption;
- 20 (13) Amounts received in the form of a cable surcharge by
- 21 an electric utility company acting on behalf of a
- 22 certified cable company under section 269-134;



1 provided that any amounts retained by that electric
2 utility company for collection or other costs shall
3 not be included in this exemption; ~~and~~

4 (14) One hundred per cent of the gain realized by a fee
5 simple owner from the sale of a leased fee interest in
6 units within a condominium project, cooperative
7 project, or planned unit development to the
8 association of owners under chapter 514A or 514B, or
9 the residential cooperative corporation of the
10 leasehold units.

11 For purposes of this paragraph:

12 "Fee simple owner" shall have the same meaning as
13 provided under section 516-1; provided that it shall
14 include legal and equitable owners;

15 "Legal and equitable owner", and "leased fee
16 interest" shall have the same meanings as provided
17 under section 516-1; and

18 "Condominium project" and "cooperative project"
19 shall have the same meanings as provided under section
20 514C-1[-]; and

21 (15) Payments received from the State by substitute
22 teachers as part of a class action settlement for back



1 pay approved by the circuit court of the first circuit
2 in 2013."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act, upon its approval, shall apply to
6 taxable years beginning after December 31, 2012; provided that
7 the amendments made to section 235-7(a), Hawaii Revised
8 Statutes, by section 1 of this Act shall not be repealed when
9 section 235-7(a), Hawaii Revised Statutes, is reenacted on
10 January 1, 2018, pursuant to section 5 of Act 220, Session Laws
11 of Hawaii 2012.

12 INTRODUCED BY:

<u>Melanie Jones</u>	<u>Anna Mercedes K.</u>
<u>A. K. Goh</u>	<u>Michelle Kideroni</u>
Clarence K. Kishihara	<u>W. M. W.</u>
<u>Dan [unclear]</u>	<u>[unclear]</u>
	<u>Arvid Y. Iye</u>
	<u>Suzanne Chun Oakland</u>

S.B. NO. 2283

Report Title:

Taxation; Exemption; Settlement; Substitute Teachers

Description:

Excludes payments received from the State by substitute teachers as part of a class action settlement for back pay approved by the circuit court of the first circuit in 2013 from gross income, adjusted gross income, and taxable income for purposes of state income taxes.

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