
A BILL FOR AN ACT

RELATING TO EDUCATION.

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 "§235- Credit for charter school facility development.
- 5 (a) There shall be allowed to each taxpayer who is subject to
6 the tax imposed by this chapter, and does not owe the State
7 delinquent taxes, penalties, or interest, a credit for
8 contributions of money or in-kind goods and services for the
9 development of charter school facilities. The credit shall be
10 deductible from the taxpayer's net income tax liability, if any,
11 imposed by this chapter for the taxable year in which the credit
12 is properly claimed.
- 13 (b) The amount of the tax credit established under this
14 section shall be equal to per cent of the value of:
- 15 (1) Contributions of in-kind goods and services; and
16 (2) Contributions of money,



1 to the Hawaii charter school facility development special fund
2 for that taxable year; provided that the amount of the tax
3 credit claimed by a taxpayer under this section shall not exceed
4 \$ _____ per taxable year.

5 (c) The tax credit allowed under this section shall be
6 claimed against net income tax liability for the taxable year.
7 A tax credit under this section that exceeds the taxpayer's
8 income tax liability may be used as a credit against the
9 taxpayer's income tax liability in subsequent years until
10 exhausted.

11 (d) All claims for tax credits under this section,
12 including any amended claims, shall be filed on or before the
13 end of the twelfth month following the close of the taxable year
14 for which the credits may be claimed. Failure to comply with
15 the foregoing provision shall constitute a waiver of the right
16 to claim the credit.

17 (e) If a deduction is taken under section 170 (with
18 respect to charitable contributions and gifts) of the Internal
19 Revenue Code, no tax credit shall be allowed for that portion of
20 the contribution for which the deduction was taken.



1 (f) The state public charter school commission shall
2 maintain records of the names of taxpayers eligible for the
3 credit and the total value of money and in-kind goods and
4 services contributed for the development of charter school
5 facilities for the taxable year. All contributions shall be
6 verified by the state public charter school commission. The
7 state public charter school commission shall total all
8 contributions that it certifies. Upon each determination, the
9 state public charter school commission shall issue a certificate
10 to the taxpayer certifying:

- 11 (1) The amount of the contribution; and
- 12 (2) That the taxpayer has obtained a current and valid
13 certificate signed by the director of taxation,
14 showing that the taxpayer does not owe the State any
15 delinquent taxes, penalties, or interest.

16 The taxpayer shall file the certificate from the state public
17 charter school commission with the taxpayer's tax return with
18 the department of taxation. When the total amount of certified
19 contributions reaches \$ _____, the state public charter school
20 commission shall immediately discontinue certifying
21 contributions and notify the department of taxation. In no



1 instance shall the total amount of certified contributions
2 exceed \$ _____ for each taxable year.

3 (g) The director of taxation shall prepare any forms that
4 may be necessary to claim a tax credit under this section. The
5 director may also require the taxpayer to furnish reasonable
6 information to ascertain the validity of the claim for credit
7 made under this section and may adopt rules necessary to
8 effectuate the purposes of this section pursuant to chapter 91.

9 (h) For purposes of this section:

10 "Charter school" has the same meaning as defined in section
11 302D-1.

12 "Net income tax liability" means income tax liability
13 reduced by all other credits allowed under this chapter.

14 "Value of contributions of in-kind goods and services"
15 means the fair market value of goods and uncompensated services
16 or labor, as determined and certified by the department of
17 accounting and general services."

18 SECTION 2. Chapter 302D, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



H.B. NO. 49

1 "§302D- Hawaii charter school facility development
2 special fund. (a) There is established within the department a
3 special fund to be known as the Hawaii charter school facility
4 development special fund, which shall be administered by the
5 commission.

6 (b) Moneys in the Hawaii charter school facility
7 development special fund may be:

8 (1) Expended by the commission for the acquisition,
9 planning, design, improvement, construction,
10 equipping, furnishing, administering, operating, and
11 maintaining of charter school facilities and any other
12 purpose deemed necessary by the commission for the
13 purpose of developing charter school facilities; or

14 (2) Pledged by the commission to secure loans from private
15 lending institutions for financially sound charter
16 schools.

17 (c) The Hawaii charter school facility development special
18 fund may receive contributions, grants, endowments, gifts in
19 cash or otherwise, loans, and bond financing from all sources,
20 including corporations or other businesses, foundations,
21 government, individuals, and other interested parties. Any



1 interest accrued on moneys in the fund shall become part of the
2 fund. The legislature may appropriate moneys to the fund."

3 SECTION 3. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2015-2016 and the
6 same sum or so much thereof as may be necessary for fiscal year
7 2016-2017 to be deposited into the Hawaii charter school
8 facility development special fund.

9 SECTION 4. There is appropriated out of the Hawaii charter
10 school facility development special fund the sum of \$ or
11 so much thereof as may be necessary for fiscal year 2015-2016
12 and the same sum or so much thereof as may be necessary for
13 fiscal year 2016-2017 to support the development of charter
14 school facilities.

15 The sums appropriated shall be expended by the state public
16 charter school commission for the purposes of this Act.

17 SECTION 5. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on July 1, 2015, and
19 shall apply to taxable years beginning after December 31, 2015.

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INTRODUCED BY: _____



JAN 21 2015



H.B. NO. 49

Report Title:

Hawaii Charter School Facility Development Special Fund; Tax Credit; Appropriation

Description:

Establishes a special fund for the development of charter school facilities. Establishes an income tax credit for taxpayers who make contributions to the development of charter school facilities. Appropriates funds for the Hawaii charter school facility development special fund.

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

