

DAVID Y. IGE
GOVERNOR

JOSH GREEN M.D.
LT. GOVERNOR



ISAAC W. CHOY
DIRECTOR OF TAXATION

STATE OF HAWAII
DEPARTMENT OF TAXATION
P.O. BOX 259
HONOLULU, HAWAII 96809
PHONE NO: (808) 587-1540
FAX NO: (808) 587-1560

To: The Honorable Sharon Y. Moriwaki, Chair;
The Honorable Donovan M. Dela Cruz, Vice Chair;
and Members of the Senate Committee on Government Operations

From: Isaac W. Choy, Director
Department of Taxation

Date: Thursday, March 17, 2022
Time: 3:10 P.M.
Place: Via Video Conference, State Capitol

Re: H.B. 1494, H.D. 1, Relating to the Special Enforcement Section

The Department of Taxation (Department) strongly supports H.B. 1494, H.D. 1, and offers the following comments for the committee's consideration.

H.B. 1494, H.D. 1, amends sections 231-81 and 231-82, Hawaii Revised Statutes (HRS), to expand and clarify the authority of the Department's Special Enforcement Section (SES), which is charged with carrying out civil tax enforcement as authorized by the Director of Taxation. The measure authorizes SES to examine any sector of Hawaii's economy and initiate civil investigations in order to ensure all taxpayers pay their fair share of taxes, and to prevent tax non-compliance through enforcement, education, and deterrence. It also empowers SES to refer cases dealing with any segment of the economy to the Department's Office Audit and Field Audit branches. H.D. 1 has a defective effective date of July 1, 2050.

Clearly delineating and codifying the SES' legal authority would greatly help the Department's efforts to ensure compliance with state tax laws and promote fairness and transparency for Hawaii's taxpayers. Accordingly, the Department respectfully requests that Section 4 be amended so that the measure is effective upon approval.

Thank you for the opportunity to testify in support of this measure.

TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 305

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: ADMINISTRATION, Special Enforcements Section; Powers

BILL NUMBER: HB 1494 HD 1

INTRODUCED BY: House Committee on Finance

EXECUTIVE SUMMARY: Amends the purpose and duties of the Special Enforcement Section of the Department of Taxation. Because the Special Enforcement Section is part of the Department of Taxation and the amended duties appear to be within the Department's kuleana, we wonder if this bill is necessary.

SYNOPSIS: Amends section 231-81, HRS, to add that the special enforcement section may (1) Examine all sectors of the State's economy; (2) Initiate civil investigations to ensure that each person pays all state taxes that the person is required to pay; and (3) Use education and enforcement to deter and prevent noncompliance with state taxation laws.

Amends section 231-82, HRS, to allow the special enforcement section to refer and recommend to appropriate auditors within the department cases or segments of the economy for audits.

EFFECTIVE DATE: July 1, 2050

STAFF COMMENTS: In our view, the "added powers" given to the special enforcement section by this bill are no different from the powers of the Department generally. It should be remembered that the Department is the dog and the special enforcement section is an appendage, like a tail. The dog wags the tail, not the other way around.

We fail to see the necessity for a bill such as this.

Digested: 3/15/2022