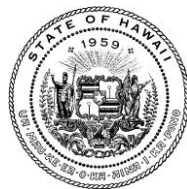


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TESTIMONY OF
GARY S. SUGANUMA, DIRECTOR OF TAXATION

TESTIMONY ON THE FOLLOWING MEASURE:

S.B. No. 3173, Relating to Conformity to the Internal Revenue Code.

BEFORE THE:

Senate Committee on Ways and Means

DATE: Tuesday, February 13, 2024

TIME: 10:00 a.m.

LOCATION: State Capitol, Room 211

Chair Dela Cruz, Vice-Chair Moriwaki, and Members of the Committee:

The Department of Taxation (“Department”) supports S.B. 3173, an Administration measure, and offers the following comments for your consideration.

S.B. 3173 conforms Hawaii’s income and estate and generation-skipping transfer taxes to the Internal Revenue Code (IRC) as of December 31, 2023. Sections 235-2.5 (c) and 236E-4, Hawaii Revised Statutes (HRS), require the Department to submit legislation to each regular session of the legislature to adopt the IRC as it exists on the December 31 preceding the regular session.

Section 2 of the measure amends section 235-2.3(a), Hawaii Revised Statutes (HRS), to conform the Hawaii income tax law to the operative IRC sections of subtitle A, chapter 1, as amended as of December 31, 2023. Subtitle A, chapter 1, refers to IRC sections 1-1400 A-2. Section 3 of the measure amends section 236E-3, HRS, to conform the Hawaii estate and generation-skipping transfer tax law to the operative IRC sections of subtitle B, as amended as of December 31, 2023. Generally, subtitle B of the IRC contains the estate tax provisions and consists of IRC sections 2001-2801.

The United States Congress enacted the following tax measures during 2023, which the Department analyzed to determine if amendments to conformity were necessary:

1. Airport and Airway Extension Act of 2023, Part II; Pub. L. 118-34, enacted December 26, 2023;
2. Further Continuing Appropriations and Other Extensions Act, 2024; Pub. L. 118-22, enacted November 16, 2023;
3. Continuing Appropriations Act, 2024 and Other Extensions Act; Pub. L. 118-15, enacted September 30, 2023.

There are no significant impacts to Hawaii's adoption of the updated IRC sections due to the passage of any of these three laws.

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

TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 305

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: INCOME, ESTATE, Conformity to Internal Revenue Code

BILL NUMBER: SB 3173, HB 2484

INTRODUCED BY: SB by KOUCHI; HB by SAIKI (Governor's Package)

EXECUTIVE SUMMARY: Conforms Hawai'i income and estate and generation-skipping transfer tax laws to the Internal Revenue Code of 1986, as amended as of December 31, 2023.

SYNOPSIS: Amends HRS section 235-2.3(a) by changing the date references to make the Internal Revenue Code (IRC) applicable for state income tax purposes as it was amended on 12/31/23 for tax years beginning after 12/31/23.

Amends HRS section 236E-3 by changing the date references to make the IRC applicable for state estate and generation-skipping tax purposes as it was amended on 12/31/23 for decedents dying or taxable transfers occurring after 12/31/23.

EFFECTIVE DATE: Upon approval; provided that Section 2 shall apply to taxable years beginning after December 31, 2023; and Section 3 shall apply to decedents dying or taxable transfers occurring after December 31, 2023.

STAFF COMMENTS: This is the annual conformity measure submitted by the department of taxation TAX-01 (24) in compliance with HRS section 235-2.5 which requires the department to annually submit a measure to maintain state income tax conformity with the federal Internal Revenue Code, and in compliance with HRS section 236E-4 which requires the department to annually submit a measure to maintain state estate and generation-skipping tax conformity with the federal Internal Revenue Code.

The purpose of conformity is to update the state tax laws with those changes made to the federal Code during the past year and to adopt those changes that are appropriate for Hawaii law.

Digested: 2/8/2024