

JAN 19 2024

A BILL FOR AN ACT

RELATING TO TAXATION.

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

1 SECTION 1. Section 235-110.91, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (f) to read:

4 "(f) If in any taxable year the annual amount of certified
5 credits reaches [~~\$5,000,000~~] \$10,000,000 in the aggregate, the
6 department of business, economic development, and tourism shall
7 immediately discontinue certifying credits and notify the
8 department of taxation. In no instance shall the department of
9 business, economic development, and tourism certify a total
10 amount of credits exceeding [~~\$5,000,000~~] \$10,000,000 per taxable
11 year. To comply with this restriction, the department of
12 business, economic development, and tourism shall certify
13 credits on a first come, first served basis.

14 The department of taxation shall not allow the aggregate
15 amount of credits claimed to exceed that amount per taxable
16 year."

17 2. By amending subsections (n) and (o) to read:



1 "(n) This section shall not apply to taxable years
2 beginning after December 31, [~~2024.~~] 2029.

3 (o) As used in this section:

4 "Qualified high technology business" [~~shall have the same~~
5 ~~meaning as in section 235-7.3(e).~~] means a for-profit
6 corporation, limited liability company, partnership, limited
7 partnership, sole proprietorship, or other legal entity that:

8 (1) Is domiciled and registered to do business in the
9 State;

10 (2) Is independently owned and operated;

11 (3) Employs fewer than five hundred full-time or part-time
12 employees in the State, including affiliates; and

13 (4) Conducts more than fifty per cent of its activities in
14 qualified research.

15 "Qualified research" shall have the same meaning as in
16 section 41(d) of the Internal Revenue Code.

17 "Qualified research expenses" shall have the same meaning
18 as in section 41(b) of the Internal Revenue Code; provided that
19 it shall not include research expenses incurred outside of the
20 State."



1 SECTION 2. Act 261, Session Laws of Hawaii 2019, is
2 amended by amending section 5 to read as follows:

3 "SECTION 5. This Act shall take effect upon its approval;
4 provided that:

5 (1) Section 2 shall apply to taxable years beginning after
6 December 31, 2019; and

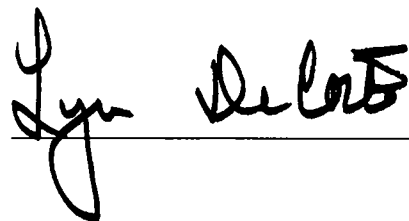
7 (2) Part II shall take effect on [~~December 31, 2024.~~]
8 January 1, 2030."

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act, upon its approval, shall apply to
12 taxable years beginning after December 31, 2023; provided that,
13 on December 31, 2029, section 1 of this Act shall be repealed
14 and section 235-110.91, Hawaii Revised Statutes, shall be
15 reenacted in the form in which it read on the day prior to the
16 effective date of this Act.

17

INTRODUCED BY:





S.B. NO. 2497

Report Title:

Tax Credit; Research Activities

Description:

Amends the tax credit for research activities by: (1) increasing the amount of the credit to \$10,000,000; (2) extending the sunset date of the credit to 12/31/29; and (3) amending the definition of qualified high technology businesses that are eligible to claim the credit.

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

