

ACT 228

S.B. NO. 1874-76

A Bill for an Act Relating to the Taxation of Real Property.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 246-2, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 246-2 Tax base and rate. Except as exempted or otherwise taxed, all real property in each county shall be subject each year to a tax upon sixty per cent or less of its fair market value determined in the manner provided by law, at such rate as shall be determined in the manner provided in section 248-2. However, the director of taxation may use as the tax base a lesser percentage of fair market value; if he does so he shall certify to the county council the percentage so used at the time he furnishes the council the calculations as to the tax base pursuant to section 248-2(f), and if he does not do so he shall certify to the council that he has used sixty per cent of fair market value as the tax base. Both as to the calculations as to the tax base and also as to the percentage of fair market value used as the tax base, the director’s certificate to the council shall be conclusive insofar as the validity of any tax rate is concerned, except for the right to appeal assessments of real property as may be provided by law. Whether the director uses as the tax base sixty per cent of fair market value or some other percentage of fair market value, no taxpayer shall be deemed aggrieved by an assessment, nor shall an assessment be lowered, except as the result of a decision on an appeal as provided by law.”

SECTION 2. Section 248-2, Hawaii Revised Statutes, is amended by amending the definition of “net taxable real property” in subsection (a) to read as follows:

“(2) “Net taxable real property” or “net taxable buildings” or “net taxable lands” means, as indicated by the context, the percentage of the fair market value of property determined under section 246-2, which the director of taxation certifies as the tax base as provided by law less exemptions as provided by law and, in all cases where appeals from the director’s assessment are then unsettled, less fifty per cent of the value in dispute.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 4. This Act shall take effect on July 1, 1976.

(Approved June 9, 1976.)

*Edited accordingly.