
A BILL FOR AN ACT

RELATING TO A SMALL CRAFT BEER PRODUCER TAX CREDIT.

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

1 SECTION 1. The purpose of this Act is to establish a tax
2 credit for small craft beer producers to encourage and expand
3 the growth of a local industry.

4 SECTION 2. Chapter 235, Hawaii Revised Statutes, is
5 amended by adding a new section to part I to be appropriately
6 designated and to read as follows:

7 "§235- Small craft beer producers; income tax credit.

8 (a) There shall be allowed to each qualified taxpayer subject
9 to the taxes imposed by this chapter a small craft beer producer
10 tax credit that shall be deductible from the taxpayer's net
11 income tax liability, if any, imposed by this chapter for the
12 taxable year in which the credit is properly claimed.

13 (b) The amount of the tax credit shall be equal to forty
14 per cent of the qualified expenses incurred by the qualified
15 taxpayer during a taxable year.

16 (c) In the case of a partnership, S corporation, estate,
17 or trust, the tax credit allowable is for qualified expenses



1 incurred by the entity for the taxable year. The cost upon
2 which the tax credit is computed shall be determined at the
3 entity level. Distribution and share of credit shall be
4 determined by rule.

5 If a deduction is taken under section 179 (with respect to
6 election to expense depreciable business assets) of the Internal
7 Revenue Code of 1986, as amended, no tax credit shall be allowed
8 for those costs for which the deduction is taken.

9 The basis for eligible property for depreciation of
10 accelerated cost recovery system purposes for state income taxes
11 shall be reduced by the amount of credit allowable and claimed.

12 (d) The credit allowed under this section shall be claimed
13 against the net income tax liability for the taxable year. For
14 the purposes of this section, "net income tax liability" means
15 net income tax liability reduced by all other credits allowed
16 under this chapter.

17 (e) A qualified taxpayer that intends to claim a tax
18 credit pursuant to this section, before March 31 of each year in
19 which qualified expenses were incurred by the taxpayer in the
20 previous taxable year, shall submit a written, certified



1 statement to the director of business, economic development, and
2 tourism identifying:

3 (1) Qualified expenses incurred in the previous taxable
4 year; and

5 (2) The amount of the tax credit claimed by the taxpayer
6 pursuant to this section, if any, in the previous
7 taxable year.

8 (f) The department of business, economic development, and
9 tourism shall:

10 (1) Maintain records of the names and addresses of the
11 qualified taxpayers claiming the credits under this
12 section and the total amount of the qualified expenses
13 upon which the tax credits are based;

14 (2) Verify the nature and amount of the qualified
15 expenses;

16 (3) Calculate the total amount of all qualified and
17 cumulative expenses that the department certifies; and

18 (4) Certify the amount of the tax credit for each taxpayer
19 for each taxable year and the cumulative amount of the
20 tax credit.



1 Upon each determination made under this subsection, the
2 department of business, economic development, and tourism shall
3 issue a certificate to the taxpayer verifying information
4 submitted to the department of business, economic development,
5 and tourism including amounts of qualified expenses, the credit
6 amount certified for the taxpayer for each taxable year, and the
7 cumulative amount of tax credits certified. The taxpayer shall
8 file the certificate with the taxpayer's tax return with the
9 department of taxation.

10 The director of business, economic development, and tourism
11 may assess and collect a fee to offset the costs of certifying
12 tax credit claims under this section.

13 (g) The director of taxation:

14 (1) Shall prepare any forms that may be necessary to claim
15 a tax credit under this section;

16 (2) May require the taxpayer to furnish reasonable
17 information to ascertain the validity of the claim for
18 the tax credit made under this section; and

19 (3) May adopt rules under chapter 91 necessary to
20 effectuate the purposes of this section.



1 (h) If the tax credit under this section exceeds the
2 taxpayer's net income tax liability, the excess of the credit
3 over liability may be used as a credit against the taxpayer's
4 net income tax liability in subsequent years until exhausted.

5 (i) All claims for the tax credit under this section,
6 including amended claims, shall be filed on or before the end of
7 the twelfth month following the close of the taxable year for
8 which the credit may be claimed. Failure to comply with the
9 foregoing provision shall constitute a waiver of the right to
10 claim the credit.

11 (j) The annual tax credit cap for any individual qualified
12 producer shall not exceed \$ _____.

13 (k) As used in this section:

14 "Beer" shall have the same meaning as in section 281-1.

15 "Qualified expenses" means expenses incurred by a qualified
16 taxpayer to manufacture beer; provided that it shall not include
17 expenses incurred outside of the State. Qualified expenses
18 shall be calculated in accordance with the uniform
19 capitalization rules of section 263A of the Internal Revenue
20 Code of 1986, as amended, and the federal rules and regulations
21 adopted pursuant thereto.



1 "Qualified taxpayer" means a person that:
 2 (1) Has a valid class 18 small craft producer pub license
 3 as described in section 281-31(r); and
 4 (2) Complies with any manufacturing limitations
 5 established in section 281-31(r)(1).

6 "Qualified producer" means a domestic corporation producing
 7 one hundred per cent of its beer products in the State."

8 SECTION 3. There is appropriated out of the general
 9 revenues of the State of Hawaii the sum of \$ or so much
 10 thereof as may be necessary for fiscal year 2018-2019 for the
 11 monitoring, verification, and certification of tax credit claims
 12 by the department of business, economic development, and
 13 tourism.

14 The sum appropriated shall be expended by the department of
 15 business, economic development, and tourism for the purposes of
 16 this Act.

17 SECTION 4. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2112, and
 19 shall apply to taxable years beginning after December 31, 2017.



Report Title:

Liquor; Tax Credit; Beer; Small Craft Producer Pub Licensees

Description:

Establishes a small craft beer producer income tax credit.
Appropriates funds. (HB2656 HD2)

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

