### A BILL FOR AN ACT

RELATING TO TAXATION.

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

1	SECTION 1. Chapter 231, Hawaii Revised Statutes, is
2	amended by adding a new section to be appropriately designated
3	and to read as follows:
4	"§231- Private rulings, written advice, settlement
5	agreements, board of review cases and attorney general opinions
6	and memoranda. (a) Unless otherwise provided in this section,
7	and notwithstanding sections 235-116, 236D-15, 237-34, and 237D
8	13, or any other law restricting disclosure of tax returns or
9	tax return information, private rulings, written advice,
10	settlement agreements, board of review cases, and attorney
11	general opinions and memoranda shall be open to public
12	inspection and copying.
13	(b) The following information regarding disputes settled
14	by the attorney general in tax cases shall be posted on the
15	department's internet website for five calendar days and placed
16	on file in the department's office:
17	(1) The name of the taxpayer and the amount and type of

tax assessed, or proposed to be assessed;
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1	(2)	The amount of penalties and interest imposed or that
2		could have been imposed by law with respect to the
3		amount of tax assessed, as computed by the attorney
4		<pre>general;</pre>
5	(3)	The total amount of liability, as determined by the
6		terms of the settlement, and the actual payments made
7		thereon with the dates thereof; and
8	(4)	The reasons for the settlement.
9	(c)	The hearing dates and times of board of review cases
10	shall be	posted on the department's internet website to provide
11	reasonabl	e notice to interested parties.
12	<u>(d)</u>	The department may adopt rules pursuant to chapter 91
13	to admini	ster this section, including:
14	(1)	Defining "private rulings", "written advice", and
15		"settlement agreements"; and
16	(2)	Redacting certain confidential information as
17		necessary."
18	SECT	ION 2. Section 231-19.5, Hawaii Revised Statutes, is
19	amended b	y amending subsection (b) to read as follows:
20	"(b)	For purposes of this section, the term "written
21	opinion"	means a written statement issued by the department to a
22	taxpayer,	or to the taxpayer's authorized representative on
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1	behalf of	the taxpayer, that interprets and applies any
2	provision	in title 14 administered by the department to a
3	specific	set of facts. A written opinion generally recites the
4	relevant	facts, sets forth the applicable provisions of law, and
5	shows the	application of the law to the facts. A written
6	opinion s	hall not include[+
7	<del>(1)</del>	Any any written communication from the department to
8		any person in connection with the examination or audit
9		of any person's tax return, or in connection with
10		collection activities relating to any person's
11		delinquent tax liability[+
12	<del>(2)</del>	An information letter, which is a written statement
13		issued by the department that provides general
14		information by calling attention to a well-established
15		interpretation or principle of tax law, whether or not
16		it applies to a specific set of facts. An information
17		letter may be issued when the nature of the request
18		from the taxpayer suggests that the taxpayer is
19		seeking general information, or where the department
20		believes that general information will assist the
21		taxpayer; or

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1	(3) A determination letter, which is a written statement
2	issued by the department that applies an
3	interpretation or principle of tax law clearly
4	established by statute, rule, written opinion, or
5	published court decision to a particular set of facts.
6	A determination letter includes the grant or denial of
7	consent, permission, exemption or registration, or a
8	routine correspondence in response to taxpayer
9	inquiries. A determination letter shall be designated
10	as such, and shall indicate the clearly established
11	interpretation or principle applied and its source]."
12	SECTION 3. This Act does not affect rights and duties that
13	matured, penalties that were incurred, and proceedings that were
14	begun, before its effective date.
15	SECTION 4. Statutory material to be repealed is bracketed
16	and stricken. New statutory material is underscored.
17	SECTION 5. This Act shall take effect upon its approval.
18	MA - NH Am
	introduced by: Kirk Caldwell
	Middle mail
	Jun Illians Bus 12m
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### Report Title:

Taxation; Disclosure of Information

### Description:

Requires disclosure and internet posting of certain tax information to the public by the department of taxation.