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# A BILL FOR AN ACT

RELATING TO JUVENILE DIABETES CURE RESEARCH.

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

1           SECTION 1. Chapter 321, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§321-        Juvenile diabetes cure research; special fund.

5           (a) There is established within the treasury of the State a  
6 special fund to be known as the juvenile diabetes cure research  
7 special fund.

8           (b) The funds collected under section 235-102.5(e) and any  
9 appropriation made by the legislature shall be deposited into  
10 the special fund.

11           (c) The fund shall be managed by the department of health,  
12 which shall make expenditures from the fund for the purposes of  
13 research related to:

14           (1) Restoring normal blood sugar levels in children with  
15 diabetes;

16           (2) Preventing and reversing complications associated with  
17 juvenile diabetes; or

18           (3) Preventing or curing juvenile diabetes.



1       (d) The department of health shall distribute funds  
2 collected under this section to institutions of higher education  
3 and independent research institutes in the State to support  
4 projects that have been subject to an established peer and  
5 scientific review process identical or similar to the National  
6 Institutes of Health review system.

7       (e) Notwithstanding any other law to the contrary, no  
8 moneys from the special fund may be expended for any purposes  
9 contrary to this section unless otherwise approved by the  
10 legislature."

11       SECTION 2. Section 235-102.5, Hawaii Revised Statutes, is  
12 amended to read as follows:

13       "**§235-102.5 Income check-off authorized.** (a) Any  
14 individual whose state income tax liability for any taxable year  
15 is \$2 or more may designate \$2 of the liability to be paid over  
16 to the Hawaii election campaign fund, any other law to the  
17 contrary notwithstanding, when submitting a state income tax  
18 return to the department. In the case of a joint return of a  
19 husband and wife having a state income tax liability of \$4 or  
20 more, each spouse may designate that \$2 be paid to the fund.  
21 The director of taxation shall revise the individual state  
22 income tax form to allow the designation of contributions to the



1 fund on the face of the tax return and immediately above the  
2 signature lines. An explanation shall be included which clearly  
3 states that the check-off does not constitute an additional tax  
4 liability. If no designation was made on the original tax  
5 return when filed, a designation may be made by the individual  
6 on an amended return filed within twenty months and ten days  
7 after the due date for the original return for such taxable  
8 year. A designation once made whether by an original or amended  
9 return may not be revoked.

10 (b) Notwithstanding any law to the contrary, any  
11 individual whose state income tax refund for any taxable year is  
12 \$2 or more may designate \$2 of the refund to be deposited into  
13 the school-level minor repairs and maintenance special fund  
14 established by section 302A-1504.5, when submitting a state  
15 income tax return to the department. In the case of a joint  
16 return of a husband and wife having a state income tax refund of  
17 \$4 or more, each spouse may designate that \$2 be deposited into  
18 the special fund. The director of taxation shall revise the  
19 individual state income tax return form to allow the designation  
20 of contributions to the special fund on the face of the tax  
21 return and immediately above the signature lines. If no  
22 designation was made on the original tax return when filed, a



1 designation may be made by the individual on an amended return  
2 filed within twenty months and ten days after the due date for  
3 the original return for such taxable year. A designation once  
4 made, whether by an original or amended return, may not be  
5 revoked.

6 (c) Notwithstanding any law to the contrary, any  
7 individual whose state income tax refund for any taxable year is  
8 \$2 or more may designate \$2 of the refund to be paid over to the  
9 libraries special fund established by section 312-3.6, when  
10 submitting a state income tax return to the department. In the  
11 case of a joint return of a husband and wife having a state  
12 income tax refund of \$4 or more, each spouse may designate that  
13 \$2 be deposited into the special fund. The director of taxation  
14 shall revise the individual state income tax form to allow the  
15 designation of contributions to the fund on the face of the tax  
16 return and immediately above the signature lines. If no  
17 designation was made on the original tax return when filed, a  
18 designation may be made by the individual on an amended return  
19 filed within twenty months and ten days after the due date for  
20 the original return for such taxable year. A designation once  
21 made, whether by an original or amended return, may not be  
22 revoked.



1 (d) Notwithstanding any law to the contrary, any  
2 individual whose state income tax refund for any taxable year is  
3 \$5 or more may designate \$5 of the refund to be paid over as  
4 follows:

5 (1) One-third to the Hawaii children's trust fund under  
6 section 350B-2; and

7 (2) Two-thirds to be divided equally among:

8 (A) The domestic violence and sexual assault special  
9 fund under the department of health in section  
10 321-1.3;

11 (B) The spouse and child abuse special account under  
12 the department of human services in section  
13 346-7.5; and

14 (C) The spouse and child abuse special account under  
15 the judiciary in section 601-3.6.

16 When designated by a taxpayer submitting a state income tax  
17 return to the department, the department of budget and finance  
18 shall allocate the moneys among the several funds as provided in  
19 this subsection. In the case of a joint return of a husband and  
20 wife having a state income tax refund of \$10 or more, each  
21 spouse may designate that \$5 be paid over as provided in this  
22 subsection. The director of taxation shall revise the



1 individual state income tax form to allow the designation of  
2 contributions pursuant to this subsection on the face of the tax  
3 return and immediately above the signature lines. If no  
4 designation was made on the original tax return when filed, a  
5 designation may be made by the individual on an amended return  
6 filed within twenty months and ten days after the due date for  
7 the original return for such taxable year. A designation once  
8 made, whether by an original or amended return, may not be  
9 revoked.

10 (e) Notwithstanding any law to the contrary, any taxpayer  
11 who files an individual income tax return for any taxable year  
12 and who is due a tax refund may designate an amount from the  
13 refund to be paid to the juvenile diabetes cure research special  
14 fund under section 321- .

15 The director of taxation shall revise the individual state  
16 income tax form to allow the designation to the special fund on  
17 the face of the tax return and immediately above the signature  
18 lines. If no designation was made on the original tax return  
19 when filed, the individual may make a designation on an amended  
20 return filed within twenty months and ten days after the due  
21 date for the original return for such taxable year. A



1 designation once made, whether by an original or amended return,  
2 shall not be revoked.

3 The director of taxation shall provide adequate information  
4 concerning the checkoff for juvenile diabetes cure research in  
5 its instructions that accompany state income tax return forms.  
6 The information shall include the listing of an address  
7 furnished by the department of health to which contributions may  
8 be sent by taxpayers wishing to contribute to this effort who do  
9 not receive refunds."

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval  
12 and shall apply to taxable years beginning after December 31,  
13 2005.

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INTRODUCED BY:

Don A. Cook

Gertie Hilden

Johanna

Alfonso

Ryan

Polype P. Abramo

Michael P. Calabrese

Charles

Marlyn B. Lee

John H. Kuntz

Sumara Mammoto

Rick P. Catella



**Report Title:**

Tax Check-off; Juvenile Diabetes; Special Fund

**Description:**

Allows individual taxpayers that receive a tax refund to designate an amount from their refund for juvenile diabetes cure research.

