

JAN 23 2006

A BILL FOR AN ACT

RELATING TO HEALTH.

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 part to be appropriately designated and
3 to read as follows:

4 **"PART CHILDHOOD DISEASES AND CHRONIC DISEASES**

5 **§321- Childhood diseases and chronic diseases special**

6 **fund.** (a) There is established within the state treasury a
7 special fund to be known as the childhood diseases and chronic
8 diseases special fund. The special fund shall be administered
9 and expended by the department of health in accordance with this
10 section.

11 (b) The department shall expend the special fund to expand
12 research to find a cure for various childhood diseases and
13 chronic diseases, including juvenile diabetes and cancer. The
14 department may procure research goods and services in accordance
15 with chapters 103D and 103F.

16 (c) The fund shall consist of monies collected pursuant to
17 the income tax check-off under section 235- , and any grants,
18 private contributions, or appropriations to the special fund."



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

3 **"§235-102.5 Income check-off authorized.** (a) Any
4 individual whose state income tax liability for any taxable year
5 is \$2 or more may designate \$2 of the liability to be paid over
6 to the Hawaii election campaign fund, any other law to the
7 contrary notwithstanding, when submitting a state income tax
8 return to the department. In the case of a joint return of a
9 husband and wife having a state income tax liability of \$4 or
10 more, each spouse may designate that \$2 be paid to the fund.
11 The director of taxation shall revise the individual state
12 income tax form to allow the designation of contributions to the
13 fund on the face of the tax return and immediately above the
14 signature lines. An explanation shall be included which clearly
15 states that the check-off does not constitute an additional tax
16 liability. If no designation was made on the original tax
17 return when filed, a designation may be made by the individual
18 on an amended return filed within twenty months and ten days
19 after the due date for the original return for such taxable
20 year. A designation once made whether by an original or amended
21 return may not be revoked.



1 (b) Notwithstanding any law to the contrary, any
2 individual whose state income tax refund for any taxable year is
3 \$2 or more may designate \$2 of the refund to be deposited into
4 the school-level minor repairs and maintenance special fund
5 established by section 302A-1504.5, when submitting a state
6 income tax return to the department. In the case of a joint
7 return of a husband and wife having a state income tax refund of
8 \$4 or more, each spouse may designate that \$2 be deposited into
9 the special fund. The director of taxation shall revise the
10 individual state income tax return form to allow the designation
11 of contributions to the special fund on the face of the tax
12 return and immediately above the signature lines. If no
13 designation was made on the original tax return when filed, a
14 designation may be made by the individual on an amended return
15 filed within twenty months and ten days after the due date for
16 the original return for such taxable year. A designation once
17 made, whether by an original or amended return, may not be
18 revoked.

19 (c) Notwithstanding any law to the contrary, any
20 individual whose state income tax refund for any taxable year is
21 \$2 or more may designate \$2 of the refund to be paid over to the
22 libraries special fund established by section 312-3.6, when



1 submitting a state income tax return to the department. In the
2 case of a joint return of a husband and wife having a state
3 income tax refund of \$4 or more, each spouse may designate that
4 \$2 be deposited into the special fund. The director of taxation
5 shall revise the individual state income tax form to allow the
6 designation of contributions to the fund on the face of the tax
7 return and immediately above the signature lines. If no
8 designation was made on the original tax return when filed, a
9 designation may be made by the individual on an amended return
10 filed within twenty months and ten days after the due date for
11 the original return for such taxable year. A designation once
12 made, whether by an original or amended return, may not be
13 revoked.

14 (d) Notwithstanding any law to the contrary, any
15 individual whose state income tax refund for any taxable year is
16 \$5 or more may designate \$5 of the refund to be paid over as
17 follows:

- 18 (1) One-third to the Hawaii children's trust fund under
19 section 350B-2; and
20 (2) Two-thirds to be divided equally among:



1 (A) The domestic violence and sexual assault special
2 fund under the department of health in section
3 321-1.3;

4 (B) The spouse and child abuse special account under
5 the department of human services in section
6 346-7.5; and

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

9 When designated by a taxpayer submitting a state income tax
10 return to the department, the department of budget and finance
11 shall allocate the moneys among the several funds as provided in
12 this subsection. In the case of a joint return of a husband and
13 wife having a state income tax refund of \$10 or more, each
14 spouse may designate that \$5 be paid over as provided in this
15 subsection. The director of taxation shall revise the
16 individual state income tax form to allow the designation of
17 contributions pursuant to this subsection on the face of the tax
18 return and immediately above the signature lines. If no
19 designation was made on the original tax return when filed, a
20 designation may be made by the individual on an amended return
21 filed within twenty months and ten days after the due date for
22 the original return for such taxable year. A designation once



1 made, whether by an original or amended return, may not be
2 revoked.

3 (e) Notwithstanding any law to the contrary, any
4 individual whose state income tax refund for any taxable year is
5 \$ _____ or more may designate \$ _____ of the refund to
6 be paid over to the childhood diseases and chronic diseases
7 special fund established by section 321- _____, when submitting a
8 state income tax return to the department. In the case of a
9 joint return of a husband and wife having a state income tax
10 refund of \$ _____ or more, each spouse may designate that
11 \$ _____ be deposited into the special fund. The director of
12 taxation shall revise the individual state income tax form to
13 allow the designation of contributions to the fund on the face
14 of the tax return and immediately above the signature lines. If
15 no designation was made on the original tax return when filed, a
16 designation may be made by the individual on an amended return
17 filed within twenty months and ten days after the due date of
18 the original return for such taxable year. A designation once
19 made, whether by an original or amended return, may not be
20 revoked."

21 SECTION 3. New statutory material is underscored.



S.B. NO. 2165

1 SECTION 4. This Act, upon its approval, shall apply to
2 taxable years beginning after December 31, 2006.

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INTRODUCED BY: Annane Chun Oakland

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SB2165

Report Title:

Childhood and Chronic Diseases Special Fund; Tax Check-off

Description:

Creates the childhood and chronic diseases special fund; allows income tax refund check-off for contributions to the fund.

