
A BILL FOR AN ACT

RELATING TO ANIMALS.

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

1 SECTION 1. The legislature finds that humane societies and
2 animal rescue organizations across Hawaii collectively treat and
3 take in more than 50,000 animals each year. Spaying and
4 neutering pets is a proven way to reduce pet overpopulation,
5 euthanasia rates, and nuisance animal behaviors and dog bites,
6 as sterilized dogs are less likely to become aggressive.

7 The purpose of this Act is to:

- 8 (1) Establish a spay and neuter special fund; and
9 (2) Allow funds from an income tax check-off to be
10 deposited into the special fund.

11 SECTION 2. Chapter 143, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§143- Spay and neuter special fund. (a) There is
15 established the spay and neuter special fund to be administered
16 by the department of budget and finance. Moneys received by the
17 department from:



1 (1) State income tax refund designations to the special
2 fund pursuant to section 235-102.5(e); and

3 (2) Appropriations or other moneys made available,
4 shall be deposited into the special fund. All interest earned
5 or accrued on moneys deposited in the special fund shall become
6 part of the special fund. Moneys in the special fund shall be
7 expended to cover costs to reduce the number of feral animals
8 through spaying and neutering, educate the public regarding the
9 importance of spaying and neutering pets, and prevent homeless
10 animal overpopulation; provided that moneys used shall follow
11 the eligibility criteria established by the advisory committee.

12 (b) There is established an advisory committee consisting
13 of no more than eight members to assist the department in
14 establishing the eligibility criteria and procedures for
15 disbursements from the special fund. The advisory committee
16 shall include the following:

17 (1) One member from each county humane society that holds
18 a county animal control contract;

19 (2) One member from two separate private non-profit animal
20 rescue, shelter, or protection organizations that do
21 not hold a county animal control contract;



1 (3) One member representing licensed veterinarians in the
2 State; and

3 (4) One member from the general public.

4 All members shall be selected by the department, be residents of
5 the State, and serve three-year terms. All members shall have
6 an active interest in reducing the number of feral pets and
7 educating the community regarding the benefits of pet population
8 control in the State.

9 (c) The advisory committee shall submit to the director of
10 finance a report in a form prescribed by the director
11 identifying the total amount of funds that were disbursed from
12 the special fund in each fiscal year and the amount of funds
13 carried over to the next fiscal year. The advisory committee
14 shall submit the report to the director of finance within ninety
15 days from the close of each fiscal year."

16 SECTION 3. Section 235-102.5, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§235-102.5 Income check-off authorized.** (a) Any
19 individual whose state income tax liability for any taxable year
20 is \$3 or more may designate \$3 of the liability to be paid over
21 to the Hawaii election campaign fund, any other law to the
22 contrary notwithstanding, when submitting a state income tax



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

15 (b) Notwithstanding any law to the contrary, any
16 individual whose state income tax refund for any taxable year is
17 \$2 or more may designate \$2 of the refund to be deposited into
18 the school-level minor repairs and maintenance special fund
19 established by section 302A-1504.5, when submitting a state
20 income tax return to the department. In the case of a joint
21 return of a husband and wife having a state income tax refund of
22 \$4 or more, each spouse may designate that \$2 be deposited into



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

11 (c) Notwithstanding any law to the contrary, any
12 individual whose state income tax refund for any taxable year is
13 \$2 or more may designate \$2 of the refund to be paid over to the
14 libraries special fund established by section 312-3.6, when
15 submitting a state income tax return to the department. In the
16 case of a joint return of a husband and wife having a state
17 income tax refund of \$4 or more, each spouse may designate that
18 \$2 be deposited into the special fund. The director of taxation
19 shall revise the individual state income tax form to allow the
20 designation of contributions to the 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 (d) Notwithstanding any law to the contrary, any
7 individual whose state income tax refund for any taxable year is
8 \$5 or more may designate \$5 of the refund to be paid over as
9 follows:

- 10 (1) One-third to the Hawaii children's trust fund under
11 section 350B-2; and
- 12 (2) Two-thirds to be divided equally among:
- 13 (A) The domestic violence and sexual assault special
14 fund under the department of health in section
15 321-1.3;
- 16 (B) The spouse and child abuse special account under
17 the department of human services in section
18 346-7.5; and
- 19 (C) The spouse and child abuse special account under
20 the judiciary in section 601-3.6.

21 When designated by a taxpayer submitting a state income tax
22 return to the department, the department of budget and finance



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

15 (e) Notwithstanding any law to the contrary, any
16 individual whose state income tax refund for any taxable year is
17 \$5 or more may designate \$5 of the refund to be deposited into
18 the spay and neuter special fund established under section 143-
19 , when submitting a state income tax return to the department.
20 In the case of a joint return of a husband and wife having a
21 state income tax refund of \$10 or more, each spouse may
22 designate that \$5 be deposited into the special fund. The



1 director of taxation shall revise the individual state income
 2 tax form to allow the designation of contributions to the fund
 3 on the face of the tax return and immediately above the
 4 signature lines. 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
 9 amended return, may not be revoked."

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval;
 12 provided that section 3 shall apply to taxable years beginning
 13 after December 31, 2011.

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INTRODUCED BY:

[Handwritten signatures of legislators]

[Signature]
[Signature]
 D.C. Kichaga
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 John M. Hays
 Jason Welch
 Linda Chizama



H.B. NO. 2726

Report Title:

Spay and Neuter Special Fund; Income Check-off

Description:

Establishes a spay and neuter special fund and allows funds from an income tax check-off to be deposited into the special fund.

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

