
A BILL FOR AN ACT

RELATING TO EARLY LEARNING.

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

1 SECTION 1. The purpose of this Act is to provide funding
2 for the early learning system, "keiki first steps", established
3 under chapter 302L, Hawaii Revised Statutes.

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

6 "**§235-102.5 Income check-off authorized.** (a) Any
7 individual whose state income tax liability for any taxable year
8 is \$3 or more may designate \$3 of the liability to be paid over
9 to the Hawaii election campaign fund, any other law to the
10 contrary notwithstanding, when submitting a state income tax
11 return to the department. In the case of a joint return of a
12 husband and wife having a state income tax liability of \$6 or
13 more, each spouse may designate that \$3 be paid to the fund.
14 The director of taxation shall revise the individual state
15 income tax form to allow the designation of contributions to the
16 fund on the face of the tax return and immediately above the
17 signature lines. An explanation shall be included which clearly
18 states that the check-off does not constitute an additional tax



1 liability. If no designation was made on the original tax
2 return when filed, a designation may be made by the individual
3 on an amended return filed within twenty months and ten days
4 after the due date for the original return for such taxable
5 year. A designation once made whether by an original or amended
6 return may not be revoked.

7 (b) Notwithstanding any law to the contrary, any
8 individual whose state income tax refund for any taxable year is
9 \$2 or more may designate \$2 of the refund to be deposited into
10 the school-level minor repairs and maintenance special fund
11 established by section 302A-1504.5, when submitting a state
12 income tax return to the department. In the case of a joint
13 return of a husband and wife having a state income tax refund of
14 \$4 or more, each spouse may designate that \$2 be deposited into
15 the special fund. The director of taxation shall revise the
16 individual state income tax return form to allow the designation
17 of contributions to the special fund 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 (c) Notwithstanding any law to the contrary, any
4 individual whose state income tax refund for any taxable year is
5 \$2 or more may designate \$2 of the refund to be paid over to the
6 libraries special fund established by section 312-3.6, when
7 submitting a state income tax return to the department. In the
8 case of a joint return of a husband and wife having a state
9 income tax refund of \$4 or more, each spouse may designate that
10 \$2 be deposited into the special fund. The director of taxation
11 shall revise the individual state income tax form to allow the
12 designation of contributions to the fund on the face of the tax
13 return and immediately above the signature lines. If no
14 designation was made on the original tax return when filed, a
15 designation may be made by the individual on an amended return
16 filed within twenty months and ten days after the due date for
17 the original return for such taxable year. A designation once
18 made, whether by an original or amended return, may not be
19 revoked.

20 (d) Notwithstanding any law to the contrary, any
21 individual whose state income tax refund for any taxable year is



1 \$5 or more may designate \$5 of the refund to be paid over as
2 follows:

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

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

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

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

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

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



1 return and immediately above the signature lines. If no
2 designation was made on the original tax return when filed, a
3 designation may be made by the individual on an amended return
4 filed within twenty months and ten days after the due date for
5 the original return for such taxable year. A designation once
6 made, whether by an original or amended return, may not be
7 revoked.

8 (e) Notwithstanding any law to the contrary, any
9 individual whose state income tax refund for any taxable year is
10 \$25 or more may designate \$25 of the refund to be deposited into
11 the early learning trust fund established under section 302L-5
12 when submitting a state income tax return to the department. In
13 the case of a joint return of spouses having a state income tax
14 refund of \$50 or more, each spouse may designate that \$25 be
15 deposited into the early learning trust fund. The director of
16 taxation shall revise the individual state income tax return
17 form to allow the designation of contributions to the early
18 learning trust fund on the face of the tax return and
19 immediately above the signature lines. An explanation shall be
20 included that clearly states that the designation does not
21 constitute an additional tax refund. If no designation was made
22 on the original tax return when filed, a designation may be made



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

5 SECTION 3. Section 302L-5, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§302L-5 Early learning trust fund.** There is established
8 within the state treasury the early learning trust fund, to be
9 administered by the early learning council, into which shall be
10 deposited all moneys received by the council in the form of:

- 11 (1) Fees;
- 12 (2) Grants;
- 13 (3) Donations;
- 14 (4) Appropriations made by the legislature to the fund;
- 15 [~~and~~]
- 16 (5) Payments from the income tax refund designation under
17 section 235-102.5; and
- 18 [~~+~~] (6) [Revenues] Other revenues regardless of their
19 source,

20 and earnings on moneys in the fund. Moneys in the fund shall be
21 used for the early learning system. Expenditures from the fund
22 may be made by the council without appropriation or allotment."



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act, upon its approval, shall apply to
4 taxable years beginning after December 31, 2011.



Report Title:

Early Learning System Funding; Income Tax Refund Check-Off

Description:

Permits a taxpayer to designate a specified amount of the taxpayer's income tax refund to be deposited into the Early Learning Trust Fund. (HB2728 HD1)

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