
A BILL FOR AN ACT

RELATING TO THE PRESERVATION OF HAWAII'S MOVING IMAGES.

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

1 SECTION 1. The legislature finds that 'Ulu'ulu: The Henry
2 Ku'ualoha Giugni Moving Image Archive of Hawai'i honors the
3 former United States Senate Sergeant-At-Arms - the first person
4 of color and the first of Polynesian ancestry to hold the
5 position - who died in 2005. Funded by a congressionally
6 directed grant through the United States Department of
7 Education, the archive is dedicated to the care of film,
8 videotape, and audiovisual materials, and the preservation of
9 Hawaii's rich moving image tradition.

10 'Ulu'ulu: The Henry Ku'ualoha Giugni Moving Image Archive of
11 Hawai'i will be located at the University of Hawaii, West Oahu,
12 and will include an online archive of recently preserved and
13 digitized materials and an English and Hawaiian language
14 website.

15 The purpose of this Act is to designate 'Ulu'ulu: The Henry
16 Ku'ualoha Giugni Moving Image Archive of Hawai'i as the state



1 archive for moving images, establish a special fund, and a tax
2 check-off.

3 SECTION 2. Chapter 304A, part IV, Hawaii Revised Statutes,
4 is amended by adding two new sections to be appropriately
5 designated and to read as follows:

6 "§304A-A 'Ulu'ulu: The Henry Ku'ualoha Giugni Moving Image
7 Archive of Hawai'i. 'Ulu'ulu: The Henry Ku'ualoha Giugni Moving
8 Image Archive of Hawai'i is designated as the official state
9 archive for moving images. The qualifying standards and
10 conditions related to the receipt of funds contained in chapter
11 42F shall not apply to funds received by 'Ulu'ulu: The Henry
12 Ku'ualoha Giugni Moving Image Archive of Hawai'i; provided that
13 if the archive in turn contracts with a recipient or provider,
14 then the qualifying standards, conditions, and other provisions
15 of chapter 42F shall apply to the recipient or provider and the
16 contract.

17 §304A-B 'Ulu'ulu: The Henry Ku'ualoha Giugni Moving Image
18 Archive of Hawai'i special fund. There is established the
19 'Ulu'ulu: The Henry Ku'ualoha Giugni Moving Image Archive of
20 Hawai'i special fund into which shall be deposited any
21 legislative appropriations, federal or private grants, and any



1 other funds collected for the purposes of the 'Ulu'ulu: The
2 Henry Ku'ualoha Giugni Moving Image Archive of Hawai'i
3 established under section 304A-A. The fund shall be
4 administered by the university, and moneys in the fund shall be
5 expended to support the archive's activities."

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

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



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

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

18 (d) Notwithstanding any law to the contrary, any
19 individual whose state income tax refund for any taxable year is
20 \$5 or more may designate \$5 of the refund to be paid over as
21 follows:



- 1 (1) One-third to the Hawaii children's trust fund under
2 section 350B-2; and
- 3 (2) Two-thirds to be divided equally among:
- 4 (A) The domestic violence and sexual assault special
5 fund under the department of health in section
6 321-1.3;
- 7 (B) The spouse and child abuse special account under
8 the department of human services in section
9 346-7.5; and
- 10 (C) The spouse and child abuse special account under
11 the judiciary in section 601-3.6.

12 When designated by a taxpayer submitting a state income tax
13 return to the department, the department of budget and finance
14 shall allocate the moneys among the several funds as provided in
15 this subsection. In the case of a joint return of a husband and
16 wife having a state income tax refund of \$10 or more, each
17 spouse may designate that \$5 be paid over as provided in this
18 subsection. The director of taxation shall revise the
19 individual state income tax form to allow the designation of
20 contributions pursuant to this subsection 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 (e) Notwithstanding any law to the contrary, any
7 individual whose state income tax refund for any taxable year is
8 \$ _____ or more may designate \$ _____ of the refund to
9 be paid over to the 'Ulu'ulu: The Henry Ku'ualoha Giugni Moving
10 Image Archive of Hawai'i special fund established by section
11 304A-A, when submitting a state income tax return to the
12 department. In the case of a joint return of a husband and wife
13 having a state income tax refund of \$ _____ or more, each
14 spouse may designate that \$ _____ be deposited into the
15 special fund. The director of taxation shall revise the
16 individual state income tax form to allow the designation of
17 contributions to the fund on the face of the tax return and
18 immediately above the signature lines. If no designation was
19 made on the original tax return when filed, a designation may be
20 made by the individual on an amended return filed within twenty
21 months and ten days after the due date for the original return



1 for such taxable year. A designation once made, whether by an
2 original or amended return, may not be revoked."

3 SECTION 4. In codifying the new sections added by section
4 2 of this Act, the revisor of statutes shall substitute
5 appropriate section numbers for the letters used in designating
6 the new sections in this Act.

7 SECTION 5. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 2012.

9 INTRODUCED BY:

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H.B. NO. 2754

Report Title:

Preservation; Hawaii's Moving Images; Special Fund; Tax Check-off

Description:

Designates 'Ulu'ulu: The Henry Ku'ualoha Giugni Moving Image Archive of Hawai'i as the state archive for moving images; establishes a special fund; establishes a tax check-off.

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

