

JAN 20 2012

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# A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1           SECTION 1. The legislature finds that the State currently  
2 does not have a fund dedicated to the learning and teaching of  
3 science and technology in public schools. The legislature  
4 further finds that the 2010 National Education Technology Plan  
5 and 2008 Hawaii Broadband Task Force Final Report support the  
6 development of infrastructure in technology and technology-based  
7 learning, both of which are necessary to build and nurture a  
8 globally competitive workforce amongst the public school  
9 students of Hawaii.

10           In light of the current economic challenges facing the  
11 State, growing student population, and new curriculum requiring  
12 science and technology literacy, the legislature finds that it  
13 is in the interest of the State to support and invest in efforts  
14 that foster the learning and teaching of science and technology  
15 in public schools.

16           The purpose of this Act is to establish a trust fund to  
17 facilitate initiatives that promote the learning and teaching of



1 science and technology in the public schools and offer the  
2 general public an opportunity to partner in these efforts.

3 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6 **"§302A- Hawaii public schools science and technology**  
7 **trust fund.** (a) There is established the Hawaii public schools  
8 science and technology trust fund as a separate fund of the  
9 Public Schools of Hawaii Foundation, a Hawaii non-profit  
10 corporation. Moneys received from the State, counties, or  
11 federal government, income tax remittances allocated pursuant to  
12 section 235-102.5, and private contributions of cash and other  
13 property, and the income and capital gains earned by the fund  
14 shall constitute its assets.

15 (b) The purpose of the trust fund is to enhance the  
16 teaching and learning of science and technology in public  
17 schools primarily through the award of grants for equipment,  
18 tools, programs, and activities that help to teach and learn  
19 science and technology.

20 (c) The Public Schools of Hawaii Foundation shall be  
21 responsible for the expenditure of moneys from the trust fund  
22 for the purposes of this section.



1        (d) The trust fund may receive contributions, grants, or  
2 gifts in cash or otherwise, from any source. The legislature  
3 intends that the public and private sectors work together as  
4 partners in securing contributions to the trust fund. The State  
5 may appropriate moneys to the trust fund; provided that any  
6 appropriations made by the State are not intended to supplant  
7 the funding of any existing public school programs.

8        (e) There shall be an endowment component of the trust  
9 fund.

10       (f) The aggregate principal sum deposited into the Hawaii  
11 public schools science and technology trust fund, and any income  
12 and capital gains earned by the trust fund but not expended for  
13 grant making or administration, shall be invested in accordance  
14 with policies adopted by the Public Schools of Hawaii Foundation  
15 that strives to maximize the rate of return on investment of the  
16 trust fund consistent with the objective of preserving the trust  
17 fund's principal.

18       (g) The department shall serve as the lead agency for the  
19 public sector and, in conjunction with the Public Schools of  
20 Hawaii Foundation, may provide staffing for the board of  
21 trustees of the Public Schools of Hawaii Foundation or for ad  
22 hoc advisory committees established by the Public Schools of



1 Hawaii Foundation to make recommendations to the board of the  
2 Public Schools of Hawaii Foundation for the expenditure of the  
3 trust fund.

4 (h) The trust fund shall not be placed in the state  
5 treasury, and the State shall not administer the trust fund, nor  
6 shall the State be liable for the operation or solvency of the  
7 trust fund or the Public Schools of Hawaii Foundation.

8 (i) The Public Schools of Hawaii Foundation shall retain  
9 an independent certified public accountant, whose annual report  
10 shall be submitted to the department no later than thirty days  
11 from the date the report is received by the Public Schools of  
12 Hawaii Foundation. The Public Schools of Hawaii Foundation  
13 shall retain for a period of three years, and permit the  
14 department of education, department of accounting and general  
15 services, state legislators, and the auditor, or their duly  
16 authorized representatives, to inspect and have access to, any  
17 documents, papers, books, records, and other evidence, in  
18 electronic or paper form, that is pertinent to the trust fund.

19 (j) In the event of the termination of the trust fund or  
20 the dissolution of the Public Schools of Hawaii Foundation, the  
21 unspent appropriations made by the State, if any, shall revert  
22 back to the State. Any other amounts remaining in the trust



1 fund shall be distributed at the recommendation of the board of  
2 the Public Schools of Hawaii Foundation."

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

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



1 year. A designation once made whether by an original or amended  
2 return may not be revoked.

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



1 \$2 or more may designate \$2 of the refund to be paid over to the  
2 libraries special fund established by section 312-3.6, when  
3 submitting a state income tax return to the department. In the  
4 case of a joint return of a husband and wife having a state  
5 income tax refund of \$4 or more, each spouse may designate that  
6 \$2 be deposited into the special fund. The director of taxation  
7 shall revise the individual state income tax form to allow the  
8 designation of contributions to the fund on the face of the tax  
9 return and immediately above the signature lines. If no  
10 designation was made on the original tax return when filed, a  
11 designation may be made by the individual on an amended return  
12 filed within twenty months and ten days after the due date for  
13 the original return for such taxable year. A designation once  
14 made, whether by an original or amended return, may not be  
15 revoked.

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

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

22 (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 tax income tax refund for any taxable  
5 year is \$5 or more may designate \$5 of the refund to be paid  
6 over to the Hawaii public schools science and technology trust  
7 fund established pursuant to section 302A- 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 \$10 or more, each spouse may designate that \$5 be  
11 deposited into the trust fund. The director of taxation shall  
12 revise the individual state income tax form to allow the  
13 designation of contributions to the trust fund on the face of  
14 the tax return and immediately above the signature lines. If no  
15 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 for  
18 the original return for such taxable year. A designation once  
19 made, whether by an original or amended return, cannot be  
20 revoked."

21 SECTION 4. New statutory material is underscored.



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

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# S.B. NO. 2482

**Report Title:**

Education; Public Schools Science and Technology Trust Fund

**Description:**

Establishes the Hawaii public schools science and technology trust fund to support the teaching and learning of science and technology in Hawaii's public schools. Authorizes income tax return designations to the trust fund.

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

