

A Bill for an Act Relating to School Facilities.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Hawaii's children are our future. However, many of our students are being forced to learn in classroom environments that are unacceptable. Peeling paint, broken cabinets, sinks without water, and faulty lighting are just some of the repair and maintenance items that need to be addressed. A run-down classroom or school building directly affects the morale of both teachers and students. The repair and maintenance backlog for Hawaii's public schools is over \$600,000,000.

The purpose of this Act is to create the Hawaii school-level minor repairs and maintenance special fund. This special fund will assist schools in addressing their minor repair and maintenance needs. Repair and maintenance projects may be initiated for preventative or routine maintenance, or to preserve an existing facility or restore it to good condition. The funds shall not be used for personnel costs, improvements, or any other purpose not related to the repair and maintenance of facilities.

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

“§302A- Hawaii school-level minor repairs and maintenance special fund. There is established within the state treasury a special fund to be known as the Hawaii school-level minor repairs and maintenance special fund, into which shall be deposited all moneys collected pursuant to section 235-102.5(b), and any other moneys received by the department in the form of grants and donations for school-level minor repairs and maintenance. The special fund shall be administered by the department and used to fund school-level minor repairs and maintenance.”

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

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

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

SECTION 4. Section 302A-1504, Hawaii Revised Statutes, is amended to read as follows:

“[§302A-1504] School-level minor repairs and maintenance accounts. (a) The department shall establish two school-level minor repairs and maintenance accounts for the use of each public school, which shall not exceed [\$8,000] \$25,000 each per school. The ~~accounts~~ first account shall be comprised of general funds appropriated to the department and the second account shall be comprised of funds appropriated out of the Hawaii school-level minor repairs and maintenance special fund pursuant to section 302A- for school-level minor repairs and maintenance and shall not be used for any other purpose, nor shall any other funds be deposited into the accounts.

(b) Funds in ~~[this account]~~ these accounts shall be expended at the direction of the school principal to contract for minor repairs and maintenance. ~~[Any]~~ Notwithstanding any other law to the contrary, general or special funds appropriated for this purpose that are unencumbered at the close of each fiscal year ~~[shall lapse into the general fund.]~~ in these accounts shall not lapse until June 30 of the first fiscal year of the next fiscal biennium. The department of education shall submit:

- (1) A report to the director of finance ninety days after the close of each fiscal year, shall be prepared in the form prescribed by the director of finance and shall identify the total amount of funds in each account that shall carry over to the next fiscal year; and
- (2) A copy of this report to the legislature at least twenty days prior to the convening of each regular session of the legislature.

(c) Each school principal, through the superintendent, shall submit a report annually to the department of accounting and general services in the form prescribed by the comptroller on expenditures made from¹ each account.”

SECTION 5. There is appropriated out of the Hawaii school-level minor repairs and maintenance special fund of the State of Hawaii the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2001-2002, and the same sum or so much thereof as may be necessary for fiscal year 2002-2003, to carry out the purposes of this Act.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

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SECTION 7. This Act shall take effect on July 1, 2001; provided that section 3 shall apply to taxable years beginning after December 31, 2000.

(Approved July 2, 2001.)

Notes

1. Prior to amendment "this" appeared here.
2. Edited pursuant to HRS §23G-16.5.