A BILL FOR AN ACT

RELATING TO EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAI'I:

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

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

The purpose of this Act is to establish a trust fund to facilitate initiatives that promote the learning and teaching of
science and technology in the public schools and offer the
general public an opportunity to partner in these efforts.

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

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

(c) The Public Schools of Hawaii Foundation shall be
responsible for the expenditure of moneys from the trust fund
for the purposes of this section.
(d) The trust fund may receive contributions, grants, or gifts in cash or otherwise, from any source. The legislature intends that the public and private sectors work together as partners in securing contributions to the trust fund. The State may appropriate moneys to the trust fund; provided that any appropriations made by the State are not intended to supplant the funding of any existing public school programs.

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

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

(g) The department shall serve as the lead agency for the public sector and, in conjunction with the Public Schools of Hawaii Foundation, may provide staffing for the board of trustees of the Public Schools of Hawaii Foundation or for ad hoc advisory committees established by the Public Schools of Hawaii Foundation.
Hawaii Foundation to make recommendations to the board of the
Public Schools of Hawaii Foundation for the expenditure of the
trust fund.

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

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

(j) In the event of the termination of the trust fund or
the dissolution of the Public Schools of Hawaii Foundation, the
unspent appropriations made by the State, if any, shall revert
back to the State. Any other amounts remaining in the trust
fund shall be distributed at the recommendation of the board of
the Public Schools of Hawaii Foundation."

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 $3 or more may designate $3 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. In the case of a joint return of a
husband and wife having a state income tax liability of $6 or
more, each spouse may designate that $3 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 school-level minor repairs and maintenance special fund established by section 302A-1504.5, when submitting a state income tax return to the department. 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.

(c) 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 paid over to the libraries special fund established by section 312-3.6, when submitting a state income tax return to the department. 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 form to allow the designation of contributions to the 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.

Notwithstanding any law to the contrary, any individual whose state income tax refund for any taxable year is $5 or more may designate $5 of the refund to be paid over as follows:

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

(2) Two-thirds to be divided equally among:
(A) The domestic violence and sexual assault special fund under the department of health in section 321-1.3;

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

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

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

(e) Notwithstanding any law to the contrary, any
individual whose state tax income tax refund for any taxable
year is $5 or more may designate $5 of the refund to be paid
over to the Hawaii public schools science and technology trust
fund established pursuant to section 302A- when submitting a
state income tax return to the department. In the case of a
joint return of a husband and wife having a state income tax
refund of $10 or more, each spouse may designate that $5 be
deposited into the trust fund. The director of taxation shall
revise the individual state income tax form to allow the
designation of contributions to the trust 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, cannot be
revoked."

SECTION 4. New statutory material is underscored.
SECTION 5. This Act, upon its approval, shall apply to taxable years beginning after December 31, 2011.

INTRODUCED BY: 

JAN 20 2012
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.

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