

Senate Bill 87

By: Senators Rhett of the 33rd, Miller of the 49th, Butler of the 55th, Tillery of the 19th, Harbison of the 15th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated,
2 relating to tax returns and furnishing of information, so as to authorize Georgia taxpayers to
3 make certain voluntary contributions through the income tax payment and refund process to
4 aid and assist service disabled veterans through a qualified service disabled veterans benefit
5 organization; to provide for definitions; to provide for conditions and limitations; to require
6 surety; to provide for the remittance of recovered funds to the general fund; to provide for
7 the promulgation of rules and regulations; to provide for a short title; to provide for related
8 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 This Act shall be known and may be cited as the "Senator Jack Hill Veterans' Act."

SECTION 2.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Article 3 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to tax returns and furnishing of information, is amended by adding a new Code section to read as follows:

"48-7-64.

(a) As used in this Code section, the term:

(1) 'Qualified service disabled veterans benefit organization' means an organization that has been certified by the commissioner as having maintained tax exempt status pursuant to Section 501(c)(3) or 501(c)(19) of the Internal Revenue Code for at least the five prior years, and that in three of such five years, at least 90 percent of such organization's expenses were spent on the programs or services it delivers, which shall not include administrative or fund raising expenses.

(2) 'Service-connected disability' means a disability that is service-connected as such term is defined in 38 U.S.C. Section 101(16).

(3) 'Service disabled veteran' means a veteran who is a permanent Georgia resident with a service-connected disability of 10 percent or greater as determined by the United States Department of Veterans Affairs or who has been terminated from military service by reason of disability by the United States Department of Defense.

(4) 'Veteran' shall have the same meaning as such term is defined in 38 U.S.C. 101(2).

(b)(1) Provided that a qualified service disabled veterans benefit organization enters into a contract with the Department of Revenue as specified in subsection (d) of this Code section, each Georgia income tax return form for taxable years beginning on or after January 1, 2022, shall contain appropriate language, to be determined by the state revenue commissioner, offering the taxpayer the opportunity to contribute to service disabled veterans through any qualified service disabled veterans benefit organization by donating \$1.00 of any tax refund due, by authorizing a reduction in the refund check otherwise

39 payable, or by contributing any amount over and above the amount of tax owed by adding
40 that amount to the taxpayer's payment.

41 (2) The instructions accompanying the income tax return form shall contain a brief
42 description of the intended use of moneys received from the contributions.

43 (3) Each taxpayer required to file a state income tax return that desires to contribute to
44 a qualified service disabled benefit organization may designate such contribution as
45 provided in this Code section on the appropriate income tax return form.

46 (c) The Department of Revenue shall determine annually the total amount that is
47 voluntarily contributed, shall withhold therefrom the full costs of administering such
48 voluntary contribution program, and shall transmit such remaining costs to a qualified
49 service disabled veterans benefit organization.

50 (d)(1) In order to participate in this voluntary contribution program, a qualified service
51 disabled benefit organization shall enter into a contract with the state, not later than
52 March 1 of each year, which provides that:

53 (A) If, in any tax year covered by the contract, the administrative costs of the
54 Department of Revenue for collecting contributions pursuant to this Code section
55 exceed the sum of such contributions, a qualified service disabled veterans benefit
56 organization shall be responsible for and promptly pay any outstanding costs of the
57 Department of Revenue not covered by the contributions;

58 (B) All contributions received by such qualified service disabled veterans benefit
59 organization pursuant to this Code section shall be expended for the sole purpose of
60 aiding or assisting service disabled veterans with their service-connected disabilities
61 which shall exclude, but such exclusion shall not be limited to, fund raising and
62 administrative and operating expenditures;

63 (C) Any breach of the contract shall permit the commissioner to cease disbursement
64 of funds and seek any remedy available at law to recover funds from the qualified
65 service disabled veterans benefit organization;

66 (D) The qualified service disabled veterans benefit organization shall execute and file
67 with the commissioner a good and valid bond with a surety company authorized to do
68 business in this state in the manner deemed proper by the commissioner and in the
69 amount of \$1,000.00; and

70 (E) The qualified service disabled veterans benefit organization shall be required to
71 reimburse the Department of Revenue for any department initiated audits relating to
72 this Code section; provided, however, that routine tax audits of a taxpayer of the
73 qualified service disabled veterans benefit organization shall not be included.

74 (2) Such contract shall be for the present tax year only, but may be renewed by a
75 qualified service disabled veterans benefit organization in each subsequent year for that
76 present tax year by an annual deadline prescribed by the commissioner, provided that
77 such organization remains in full compliance with this Code section. In the event that a
78 qualified service disabled veterans benefit organization elects not to enter into or renew
79 such contract covering a tax year, no provision shall be made for contributions to the
80 organization in the income tax forms for such tax year. A qualified service disabled
81 veterans benefit organization that breaches a contract provided for by this Code section
82 shall not be eligible to renew or enter into a new contract for three taxable years.

83 (e) All funds recovered by the commissioner from a qualified service disabled veterans
84 benefit organization for any reason shall be remitted to the general fund of the state
85 treasury.

86 (f) The commissioner shall require any information necessary from any applying,
87 renewing, or contracting organization and promulgate such rules and regulations as are
88 necessary to implement, administer, and enforce this Code section."

89

SECTION 3.

90 This Act shall become effective upon its approval by the Governor or upon its becoming law
91 without such approval and shall apply to all taxable years beginning on or after
92 January 1, 2022.

93

SECTION 4.

94 All laws and parts of laws in conflict with this Act are repealed.