



January 20, 2016

SENATE BILL No. 233

DIGEST OF SB 233 (Updated January 19, 2016 10:05 am - DI 109)

Citations Affected: IC 6-8.1.

Synopsis: State tax return check off for military family relief fund. Provides for space on state income tax forms to enable a taxpayer to donate all or part of the taxpayer's tax refund to the military family relief fund. Provides that if a taxpayer is not entitled to a refund or has designated all of the taxpayer's refund be directed to one of the allowable funds, the taxpayer may make an additional contribution on the taxpayer's income tax return to the military family relief fund.

Effective: July 1, 2016.

Hershman, Lanane, Arnold J

January 7, 2016, read first time and referred to Committee on Veterans Affairs & The Military.
January 19, 2016, amended, reported favorably — Do Pass.

SB 233—LS 6801/DI 109



January 20, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 233

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-8.1-9-4, AS AMENDED BY P.L.288-2013,
2 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 4. (a) Every individual (other than a nonresident)
4 who files an individual income tax return and who is entitled to a
5 refund from the department of state revenue because of the
6 overpayment of income tax for a taxable year may designate on the
7 individual's annual state income tax return that either a specific amount
8 or all of the refund to which the individual is entitled shall be paid over
9 to one (1) or more of the funds described in subsection (c). If the refund
10 to which the individual is entitled is less than the total amount
11 designated to be paid over to one (1) or more of the funds described in
12 subsection (c), all of the refund to which the individual is entitled shall
13 be paid over to the designated funds, but in an amount or amounts
14 reduced proportionately for each designated fund. If an individual
15 designates all of the refund to which the individual is entitled to be paid
16 over to one (1) or more of the funds described in subsection (c) without
17 designating specific amounts, the refund to which the individual is

SB 233—LS 6801/DI 109



1 entitled shall be paid over to each fund described in subsection (c) in
2 an amount equal to the refund divided by the number of funds
3 described in subsection (c), rounded to the lowest cent, with any part
4 of the refund remaining due to the effects of rounding to be deposited
5 in the nongame fund.

6 (b) Every husband and wife (other than nonresidents) who file a
7 joint income tax return and who are entitled to a refund from the
8 department of state revenue because of the overpayment of income tax
9 for a taxable year may designate on their annual state income tax return
10 that either a specific amount or all of the refund to which they are
11 entitled shall be paid over to one (1) or more of the funds described in
12 subsection (c). If the refund to which a husband and wife are entitled
13 is less than the total amount designated to be paid over to one (1) or
14 more of the funds described in subsection (c), all of the refund to which
15 the husband and wife are entitled shall be paid over to the designated
16 funds, but in an amount or amounts reduced proportionately for each
17 designated fund. If a husband and wife designate all of the refund to
18 which the husband and wife are entitled to be paid over to one (1) or
19 more of the funds described in subsection (c) without designating
20 specific amounts, the refund to which the husband and wife are entitled
21 shall be paid over to each fund described in subsection (c) in an
22 amount equal to the refund divided by the number of funds described
23 in subsection (c), rounded to the lowest cent, with any part of the
24 refund remaining due to the effects of rounding to be deposited in the
25 nongame fund.

26 (c) Designations under subsection (a) or (b) may be directed only to
27 the following funds:

28 (1) The nongame fund.

29 (2) The state general fund for exclusive use in funding public
30 education for kindergarten through grade 12.

31 (3) **The military family relief fund.**

32 **(d) This subsection applies if a taxpayer is not entitled to a**
33 **refund or if the taxpayer has under subsection (a) or (b) designated**
34 **that all of the taxpayer's refund be directed to a fund listed in**
35 **subsection (c) or a combination of the funds listed in subsection (c).**
36 **In addition to a designation under subsection (a) or (b), a taxpayer**
37 **who files an individual income tax return or joint income tax**
38 **return may designate on the taxpayer's annual state income tax**
39 **return an amount that the taxpayer desires to contribute to the**
40 **military family relief fund by stating the amount of the**
41 **contribution. However, the amount may not be less than one dollar**
42 **(\$1). The department shall, on the individual income tax return**



1 **and joint income tax return, include a statement explaining that a**
2 **contribution under this subsection will increase the amount that**
3 **must be remitted with the tax return.**

4 ~~(d)~~ (e) The instructions for the preparation of individual income tax
5 returns shall contain a description of the purposes of the following:

6 (1) The nongame and endangered species program. The
7 description of this program shall be written in cooperation with
8 the department of natural resources.

9 (2) The funding of public education for kindergarten through
10 grade 12. The description of this purpose shall be written in
11 cooperation with the state superintendent of public instruction.

12 **(3) The funding for financial assistance to families of members**
13 **on active duty in the armed forces of the United States and**
14 **training for county and city veterans' service officers. The**
15 **description of this purpose shall be written in cooperation**
16 **with the Indiana department of veterans' affairs.**

17 ~~(e)~~ (f) The department shall interpret a designation on a return under
18 subsection (a), ~~or~~ (b), ~~or~~ (d) that is illegible or otherwise not
19 reasonably discernible to the department as if the designation had not
20 been made.



COMMITTEE REPORT

Madam President: The Senate Committee on Veterans Affairs and The Military, to which was referred Senate Bill No. 233, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 31 and 32, begin a new paragraph and insert:

"(d) This subsection applies if a taxpayer is not entitled to a refund or if the taxpayer has under subsection (a) or (b) designated that all of the taxpayer's refund be directed to a fund listed in subsection (c) or a combination of the funds listed in subsection (c). In addition to a designation under subsection (a) or (b), a taxpayer who files an individual income tax return or joint income tax return may designate on the taxpayer's annual state income tax return an amount that the taxpayer desires to contribute to the military family relief fund by stating the amount of the contribution. However, the amount may not be less than one dollar (\$1). The department shall, on the individual income tax return and joint income tax return, include a statement explaining that a contribution under this subsection will increase the amount that must be remitted with the tax return."

Page 2, line 32, strike "(d)" and insert "(e)".

Page 3, line 3, strike "(e)" and insert "(f)".

Page 3, line 4, after "(a)" insert ",".

Page 3, line 4, before "(b)" strike "or".

Page 3, line 4, after "(b)" insert ", or (d)".

and when so amended that said bill do pass.

(Reference is to SB 233 as introduced.)

BANKS, Chairperson

Committee Vote: Yeas 6, Nays 0.

