

Regular Session, 2011

SENATE BILL NO. 13

BY SENATOR MARIONNEAUX

TAX/INCOME/PERSONAL. Removes the 50% cap on the deduction from taxable income of tuition and fees paid by a taxpayer for a dependent child to a nonpublic elementary or secondary school or to a public elementary or secondary lab school which is operated by a public college or university, making the deduction equal to the full amount paid up to \$5,000 per child. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 47:297.10(A), relative to income tax deductions; to authorize a
3 deduction for the amount of certain tuition and fees paid to certain elementary and
4 secondary schools; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 47:297.10(A) is hereby amended and reenacted to read as follows:

7 §297.10. Tax deduction; elementary and secondary school tuition

8 A. There shall be allowed a deduction from tax table income for the sum of
9 amounts paid during the taxable year by a taxpayer for tuition and fees required for
10 a student's enrollment in a nonpublic elementary or secondary school which complies
11 with the criteria set forth in *Brumfield, et al. v. Dodd, et al.* 425 F. Supp. 528 and
12 Section 501(c)(3) of the Internal Revenue Code, or to any public elementary or
13 secondary laboratory school which is operated by a public college or university, if
14 the student qualifies as a dependency exemption on the taxpayer's Louisiana income
15 tax return. The deduction authorized by this Section shall be equal to ~~fifty percent~~
16 ~~of~~ the actual amount of tuition and fees paid by the taxpayer per child, but no more
17 than five thousand dollars of deduction per child may be allowed to one or more

1 taxpayers if the child qualifies as a dependency exemption on the taxpayer's
 2 Louisiana income tax return for either the taxable year or the prior taxable year. The
 3 amount of the deduction authorized in this Section shall not exceed the total taxable
 4 income of the individual.

5 * * *

6 Section 2. The provisions of this Act shall be applicable to all income tax years
 7 beginning on and after January 1, 2011.

8 Section 3. This Act shall become effective upon signature by the governor or, if not
 9 signed by the governor, upon expiration of the time for bills to become law without signature
 10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 12 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Riley Boudreaux.

DIGEST

Present law authorizes a deduction from taxable income equal to 50% of "tuition and fees" paid by a taxpayer for a dependent child to a nonpublic elementary or secondary school or to any public elementary or secondary laboratory school which is operated by a public college or university. The deduction is limited to \$5,000 per child.

"Tuition" is defined as the following:

- (1) The purchase of school uniforms required by schools for general day-to-day use.
- (2) The purchase of textbooks, curricula, or other instructional materials required by schools.
- (3) The purchase of school supplies required by schools.

Proposed law removes the 50% cap, making the deduction equal to the full amount paid by such taxpayers up to \$5,000 per child.

Applicable to all income tax years beginning on and after January 1, 2011.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 47:297.10(A))