

SENATE BILL NO. 5

BY SENATOR FOIL

1 AN ACT

2 To amend and reenact R.S. 17:3100.5(A)(1) and R.S. 47:297.11 and to enact R.S.  
3 47:293(9)(a)(xx), 297.10(C), and 297.12(C), relative to the Louisiana Student  
4 Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve  
5 Program; to provide relative to education savings accounts; to provide certain  
6 definitions; to provide relative to earnings enhancements; to provide for  
7 applicability; to provide for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 17:3100.5(A)(1) is hereby amended and reenacted to read as follows:

10 §3100.5. Education savings accounts; types, use, limitations, and disclosures

11 A.(1)**(a)** The authority may enter into an account owner's agreement with any  
12 person who qualifies pursuant to R.S. 17:3100.6(A) for the creation of an education  
13 savings account on behalf of a beneficiary. When the number of available  
14 agreements is limited, preference shall be given to the establishment of account  
15 owner agreements with resident account owners who are establishing accounts for  
16 resident beneficiaries.

17 **(b) For tax years beginning on and after January 1, 2022, amounts that**  
18 **an account owner deposits into an education savings account shall be exempt**  
19 **from inclusion in the account owner's taxable income for the purposes of state**  
20 **individual income tax up to a maximum of one thousand two hundred dollars**  
21 **per beneficiary per taxable year for account owners filing single returns and up**  
22 **to a maximum of two thousand four hundred dollars per beneficiary per taxable**  
23 **year for account owners filing joint returns, as provided in R.S.**  
24 **47:293(9)(a)(xx). If an account owner deposits less than the maximum one**  
25 **thousand two hundred dollars per year in an owned account and files a single**  
26 **return or if married account owners deposit less than the maximum of two**

1 thousand four hundred dollars per year in an account or accounts for a  
 2 beneficiary and file a joint return, the difference between the total deposits and  
 3 one thousand two hundred dollars or two thousand four hundred dollars,  
 4 respectively, shall roll over to subsequent years and shall be exempt from  
 5 inclusion in the account owner's taxable income for the purposes of state income  
 6 tax in addition to the one thousand two hundred dollars or two thousand four  
 7 hundred dollars in the year actually deposited, as provided in R.S.  
 8 47:293(9)(a)(xx).

9 (c) The deduction provided for in Subparagraph (b) of this Paragraph  
 10 shall not be allowed for any deposits that are withdrawn within the same  
 11 taxable year as the deposit.

12 \* \* \*

13 Section 2. R.S. 47:297.11 is hereby amended and reenacted and R.S.  
 14 47:293(9)(a)(xx), 297.10(C), and 297.12(C) are hereby enacted to read as follows:

15 §293. Definitions

16 The following definitions shall apply throughout this Part, unless the context  
 17 requires otherwise:

18 \* \* \*

19 (9)(a) "Tax table income", for resident individuals, means adjusted gross  
 20 income plus interest on obligations of a state or political subdivision thereof, other  
 21 than Louisiana and its municipalities, title to which obligations vested with the  
 22 resident individual on or subsequent to January 1, 1980, and less:

23 \* \* \*

24 (xx) For tax years beginning on and after January 1, 2022, the amount  
 25 deposited in an education savings account as provided in R.S. 17:3100.5(A)(1)(b)  
 26 and any interest accrued thereon; however, any deposit plus interest withdrawn  
 27 from an education savings account for purposes other than paying qualified  
 28 education expenses, as defined in R.S. 17:3100.2, shall be included in tax table  
 29 income.

30 \* \* \*

1 §297.10. Tax deduction; elementary and secondary school tuition

2 \* \* \*

3 **C. Disbursements from the Louisiana Student Tuition Assistance and**  
4 **Revenue Trust Kindergarten Through Grade Twelve Program that are entitled**  
5 **to the deduction under R.S. 17:3100.5 and that are used to pay tuition and fees**  
6 **for a student's enrollment in a nonpublic elementary or secondary school or to**  
7 **any public elementary or secondary laboratory school operated by a public**  
8 **college or university shall not be eligible for the deduction authorized pursuant**  
9 **to this Section.**

10 §297.11. Tax deduction; educational expenses for home-schooled children

11 **A.** There shall be allowed a deduction from tax table income for educational  
12 expenses paid during the taxable year by a taxpayer for home-schooling of a child,  
13 if the child qualifies as a dependency exemption on the taxpayer's Louisiana income  
14 tax return. The deduction authorized by this Section shall be equal to fifty percent  
15 of the actual amount of qualified educational expenses paid by the taxpayer for the  
16 home-schooling of each child, but no more than five thousand dollars of deduction  
17 per child may be allowed to one or more taxpayers if the child qualifies as a  
18 dependency exemption on the taxpayer's Louisiana income tax return for either the  
19 taxable year or the prior taxable year. For purposes of this Section, qualified  
20 educational expenses shall include amounts expended for the purchase of textbooks  
21 and curricula necessary for home-schooling of each child. The amount of the  
22 deduction authorized by this Section shall not exceed the total taxable income of the  
23 individual.

24 **B. Disbursements from the Louisiana Student Tuition Assistance and**  
25 **Revenue Trust Kindergarten Through Grade Twelve Program that are entitled**  
26 **to the deduction under R.S. 17:3100.5 and that are used to pay tuition and fees**  
27 **for a student's enrollment in a nonpublic elementary or secondary school or to**  
28 **any public elementary or secondary laboratory school operated by a public**  
29 **college or university shall not be eligible for the deduction authorized pursuant**  
30 **to this Section.**

1 §297.12. Tax deduction; fees and other educational expenses for a quality public  
2 education

3 \* \* \*

4 **C. Disbursements from the Louisiana Student Tuition Assistance and**  
5 **Revenue Trust Kindergarten Through Grade Twelve Program that are entitled**  
6 **to the deduction under R.S. 17:3100.5 and that are used to pay costs associated**  
7 **with a student's enrollment in a public elementary or secondary school in order**  
8 **to ensure a quality education shall not be eligible for the deduction authorized**  
9 **pursuant to this Section.**

10 Section 3. The provisions of this Act shall be applicable to tax years beginning on  
11 and after January 1, 2022.

12 Section 4. This Act shall become effective on January 1, 2022.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_