

Second Extraordinary Session, 2008

HOUSE BILL NO. 22

BY REPRESENTATIVE HENRY

TAX/INCOME TAX: Provides for an individual income tax deduction for elementary and secondary education tuition (Item 7(1))

1 AN ACT

2 To enact R.S. 47:293(9)(a)(xiv) and 297.10, relative to individual income tax; to provide for  
3 a deduction from state income taxes for certain elementary and secondary education  
4 tuition; to provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 47:293(9)(a)(xiv) and 297.10 are hereby enacted to read as follows:

7 §293. Definitions

8 The following definitions shall apply throughout this Part, unless the context  
9 requires otherwise:

10 \* \* \*

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

15 \* \* \*

16 (xiv) The elementary and secondary school tuition deduction as provided for  
17 in R.S. 47:297.10.

18 \* \* \*

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

2                There shall be allowed a deduction from tax table income for the sum of  
3        amounts paid or incurred during the taxable year by a taxpayer for tuition and fees  
4        required for a student's enrollment in an approved parochial or private elementary  
5        or secondary school which complies with the criteria set forth in Brumfield, et al. v.  
6        Dodd, et al. 425 F. Supp. 528 and Section 501(c)(3) of the Internal Revenue Code  
7        or to any public elementary or secondary school which is affiliated with a public  
8        college or university. The deduction authorized by this Section shall be equal to fifty  
9        percent of the actual amount of tuition and fees paid by the taxpayer or five thousand  
10       dollars, whichever is less. The amount of the deduction authorized in this Section  
11       shall not exceed the total taxable income of the individual.

12       Section 2. The provisions of this Act shall be applicable to amounts paid on and after  
13       January 1, 2008.

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

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law [R.S. 1:13(B)] and do not constitute proof or indicia of legislative intent. [R.S. 24:177(E)]

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Henry

HB No. 22

**Abstract:** Authorizes an individual income tax deduction equal to 50% of the actual amount of tuition and fees, or \$5,000, whichever is less, for attendance in certain parochial or private elementary or secondary schools.

Proposed law authorizes a deduction from tax table income for the sum of amounts paid or incurred during the taxable year for tuition and fees required for a student's enrollment in an approved parochial or private elementary or secondary school which complies with the criteria set forth in Brumfield v. Dodd and Section 501(c)(3) of the Internal Revenue Code or to any public elementary or secondary schools affiliated with a public college or university.

Proposed law limits the deduction to 50% of the actual amount of tuition and fees paid by the taxpayer or \$5,000, whichever is less. Proposed law further prohibits the deduction from exceeding the total taxable income of the individual.

Effective upon signature of governor for all amounts paid on and after Jan. 1, 2008.

(Adds R.S. 47:293(9)(a)(xiv) and 297.10)