

2020 Regular Session

HOUSE BILL NO. 55

BY REPRESENTATIVE MACK

FUNDS/FUNDING: Creates a special treasury fund for purposes of drug testing and treatment of recipients of certain public assistance

1 AN ACT

2 To enact R.S. 46:460.11 and Subpart KK of Part I of Chapter I of Subtitle II of Title 47 of
3 the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.181, relative
4 to funds for drug testing and treatment of adult recipients of certain public assistance;
5 to create the Family Independence Temporary Assistance Program Drug Testing and
6 Treatment Fund; to provide for the deposit, use, and investment of monies in the
7 fund; to provide for a refund checkoff on individual income tax returns for the fund;
8 to provide for an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 46:460.11 is hereby enacted to read as follows:

11 §460.11. Family Independence Temporary Assistance Program Drug Testing and
12 Treatment Fund

13 A. The Family Independence Temporary Assistance Program Drug Testing
14 and Treatment Fund, hereinafter referred to as the "fund", is hereby established as
15 a special fund in the state treasury.

16 B. Monies in the fund shall be invested by the state treasurer in the same
17 manner as those in the state general fund and interest earnings on the investment of
18 the monies in the fund shall be credited to the fund. Any unencumbered or
19 unexpended monies in the fund at the end of the fiscal year shall remain in the fund.

1 C. The source of monies deposited into the fund shall be any monies
2 appropriated annually by the legislature including donations, gifts, grants, or any
3 other monies which may be provided by law including donations from the income
4 tax checkoff as provided in R.S. 47:120.181.

5 D. Monies in the fund shall be used solely for the purpose of activities related
6 to the random drug testing of adult recipients of cash assistance and for any
7 education or rehabilitation programs required of recipients randomly drug tested.

8 E. The monies in the fund shall be allocated as follows:

9 (1) No less than two hundred fifty thousand dollars shall be reserved in the
10 fund and shall be available for appropriation to the attorney general for the purpose
11 of defending lawsuits against the state relative to random drug testing and treatment
12 of adult recipients of public assistance.

13 (2) Of the remaining monies in the fund, after the requirements of Paragraph
14 (1) of this Subsection are satisfied, fifty percent shall be available for appropriation
15 for the costs associated with random drug testing for certain adult recipients of public
16 assistance and fifty percent shall be available for appropriation for any education or
17 rehabilitation programs required of recipients randomly drug tested.

18 Section 2. Subpart KK of Part I of Chapter I of Subtitle II of Title 47 of the Louisiana
19 Revised Statutes of 1950, comprised of R.S. 47:120.181, is hereby enacted to read as
20 follows:

21 SUBPART KK. FAMILY INDEPENDENCE TEMPORARY ASSISTANCE

22 PROGRAM DRUG TESTING AND TREATMENT FUND

23 CHECKOFF DONATION

24 §120.181. Income tax checkoff; donation for the Family Independence Temporary
25 Assistance Program Drug Testing and Treatment Fund

26 A. Every individual who files an individual income tax return for the current
27 tax year and who is entitled to a refund may designate on his current year return that
28 all or any portion of the total amount of the refund to which he is entitled shall be
29 donated to the Family Independence Temporary Assistance Program Drug Testing

Proposed law provides that the source of monies for the fund are those appropriated annually by the legislature including donations, gifts, grants, or any other monies which may be provided by law including donations from the income tax checkoff as provided in proposed law.

Proposed law provides that the fund shall be used solely for the purpose of activities related to the random drug testing of adult recipients of cash assistance and for any education or rehabilitation programs required of recipients.

Proposed law further provides that the monies in the fund shall be allocated as follows:

- (1) \$250,000 shall be reserved in the fund and available for appropriation by the attorney general for the purpose of defending lawsuits against the state relative to drug testing and treatment of adult recipients of public assistance.
- (2) Of the remaining monies in the fund, after the \$250,000 reserve for the attorney general, 50% shall be available for appropriation for the costs associated with random drug testing for certain adult recipients of public assistance and 50% shall be available for appropriation for any education or rehabilitation programs required of recipients randomly drug tested.

Proposed law provides for an individual income tax checkoff under which an individual can donate a portion of his state income tax refund to the Family Independence Temporary Assistance Program Drug Testing and Treatment Fund.

Proposed law provides for the determination by the secretary of amounts of donations and for corresponding deposits of money from general collections into the fund.

The provisions of the individual income tax checkoff are applicable to all taxable periods beginning on and after Jan. 1, 2020.

Effective if and when House Bill No. ____ of this 2020 Regular Session is enacted and becomes effective.

(Adds R.S. 46:460.11 and R.S. 47:120.181)