**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 8 TO CHAPTER 5, TITLE 43 SO AS TO ESTABLISH THE SOUTH CAROLINA FOOD BANK FINANCING FUND TO RECEIVE CONTRIBUTIONS TO BE DISTRIBUTED TO FOOD BANKS ACCORDING TO THE DESIGNATION OF THE CONTRIBUTOR; TO PROVIDE FOR DISTRIBUTION OF FUNDS NOT DESIGNATED FOR A SPECIFIC FOOD BANK; TO PROVIDE THAT A FOOD BANK MUST BE A MEMBER IN GOOD STANDING WITH THE SOUTH CAROLINA FOOD BANK ASSOCIATION OR FEEDING AMERICA TO BE ELIGIBLE TO RECEIVE THESE FUNDS; AND TO AMEND SECTION 12-6-5060, AS AMENDED, RELATING TO CONTRIBUTIONS TO VARIOUS FUNDS AS DESIGNATED BY AN INDIVIDUAL ON AN INCOME TAX RETURN, SO AS TO AUTHORIZE CONTRIBUTIONS TO THE SOUTH CAROLINA FOOD BANK FINANCING FUND.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 5, Title 43 of the 1976 Code is amended by adding:

“Article 8

South Carolina Food Bank

Financing Fund

“Section 43-5-1010. (A) There is established in the State Treasury the South Carolina Food Bank Financing Fund, which is separate and distinct from the general fund and all other funds. The revenue in this fund only may be expended for distribution to eligible food banks in the State based on the contributor’s designated food bank. Earnings and interest on this fund must be credited to the fund, and any balance in the fund at the end of a fiscal year carries forward in the fund for the succeeding fiscal year.

(B) To be eligible to receive funds, a food bank must be a member in good standing with the South Carolina Food Bank Association or Feeding America. Funds not designated for a specific food bank or funds designated for a food bank that is not eligible to receive funds must be distributed pro rata among the eligible food banks in the State based on each food bank’s total number of individual distributions in the preceding fiscal year to the total number of distributions from all eligible food banks in the preceding fiscal year.

(C) The South Carolina Food Bank Association shall administer distributions of the fund revenue quarterly and shall report quarterly to each food bank stating the amount of funds distributed to each food bank for the quarter, the cumulative total distributed to each food bank to date for the year, and an estimate of the probable total amount to be collected and distributed to each food bank for that calendar year.

(D) As used in this section, ‘food bank’ means a charitable food distribution center providing emergency feeding programs to families and individuals at risk of hunger within South Carolina. ”

SECTION 2. Section 12‑6‑5060(A) of the 1976 Code, as last amended by Act 274 of 2010, is further amended to read:

“(A) Each taxpayer required to file a state individual income tax return may contribute to the War Between the States Heritage Trust Fund established pursuant to Section 51‑18‑115, the Nongame Wildlife and Natural Areas Program Fund established pursuant to Section 50‑1‑280, the Children’s Trust Fund of South Carolina established pursuant to Section 63‑11‑910, the Eldercare Trust Fund of South Carolina established pursuant to Section 43‑21‑160, or the First Steps to School Readiness Fund established pursuant to Section 63‑11‑1750, the South Carolina Military Family Relief Fund established pursuant to Article 3, Chapter 11, Title 25, the Donate Life South Carolina established pursuant to Section 44‑43‑1310, the Veterans’ Trust Fund of South Carolina established pursuant to Chapter 21 ~~of~~, Title 25, the South Carolina Litter Control Enforcement Program (SCLCEP) and used by the Governor’s Task Force on Litter only for the SCLCEP Program, the South Carolina Law Enforcement Assistance Program (SCLEAP) and used as provided in Section 23‑3‑65, the South Carolina Department of Parks, Recreation and Tourism for use in the South Carolina State Park Service in the manner the General Assembly provides, the South Carolina Forestry Commission for use in the state forest system, the South Carolina Department of Natural Resources for use in its programs and operations, K‑12 public education for use in the manner the General Assembly provides by law, South Carolina Conservation Bank Trust Fund established pursuant to Section 48‑59‑60, the South Carolina Food Bank Financing Fund established pursuant to Section 43‑5‑1010, or the Financial Literacy Trust Fund as established pursuant to Section 59‑29‑510, by designating the contribution on the return. The contribution may be made by reducing the income tax refund or by remitting additional payment by the amount designated.”

SECTION 3. This act takes effect upon approval by the Governor and first applies for South Carolina individual income tax returns filed for the 2012 taxable year.

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