**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 TRUST FUND TO AID LOCAL SOUTH CAROLINA FOOD BANKS, AND TO SPECIFY THE METHOD BY WHICH THE FUND IS ALLOCATED AND DISTRIBUTED; AND TO AMEND SECTION 12‑6‑5060, AS AMENDED, RELATING TO AUTHORIZED VOLUNTARY CONTRIBUTIONS ON AN INCOME TAX RETURN, SO AS TO ALLOW CONTRIBUTIONS TO THE SOUTH CAROLINA FOOD BANK FINANCING TRUST 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 Trust Fund

Section 43‑5‑1010. (A) There is created in the State Treasury the South Carolina Food Bank Financing Trust Fund. This fund is separate and distinct from the general fund of the State and all other funds. Earnings and interest on this fund must be credited to it and any balance in this fund at the end of a fiscal year carries forward in the fund in the succeeding fiscal year.

(B) Funds must not be expended for any purpose other than to aid local South Carolina Food Banks pursuant to subsection (C). The funds shall be allocated and distributed quarterly.

(C) Any funds donated to the South Carolina Food Bank Financing Trust Fund shall be distributed among its member food banks based on the total population served by each member food bank in the previous fiscal year.

(D) For purposes of this section, ‘food bank’ means:

(1) a charitable food distribution center, providing emergency feeding programs to families and individuals at risk of hunger within South Carolina that is a member in good standing of Feeding America; or

(2) a charitable food distribution center, providing emergency feeding programs to families and individuals at risk of hunger within South Carolina that is a member in good standing with the South Carolina Food Bank Association.”

SECTION 2. A. 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 Trust 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.”

B. In addition to the requirements of Section 12‑6‑5060(B), the Department of Revenue shall amend Form I-330 to add the South Carolina Food Bank Financing Trust as an additional, optional organization for Contributions for Check-offs.

C. This SECTION applies to tax years beginning after 2011.

SECTION 3. Except as otherwise provided, this act takes effect upon approval by the Governor.

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