

House Bill 1139

By: Representatives Callaway of the 81st, Benfield of the 67th, Westmoreland of the 104th,
Cooper of the 31st, Smith of the 19th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 15 of Title 31 of the Official Code of Georgia Annotated, relating to care
2 and treatment of cancer patients, so as to create the Cancer Care Trust Fund; to provide for
3 its administration; to provide for an opportunity to contribute to the trust fund on Georgia
4 income tax returns; to provide for duties of the Department of Revenue and for
5 administrative costs; to provide for related matters; to provide for an effective date
6 contingent upon approval of a proposed amendment to the Constitution; to provide for
7 automatic repeal in certain circumstances; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Chapter 15 of Title 31 of the Official Code of Georgia Annotated, relating to care and
11 treatment of cancer patients, is amended by inserting a new Code section to be designated
12 Code Section 31-15-7 to read as follows:

13 "31-15-7.

14 (a) In accordance with Article III, Section IX, Paragraph VI of the Constitution, the Cancer
15 Care Trust Fund is established. The Cancer Care Trust Fund shall be administered by the
16 cancer control officer in accordance with Article III, Section IX, Paragraph VI of the
17 Constitution and this chapter.

18 (b) Each Georgia income tax return form for taxable years beginning on or after January
19 1, 2003, shall contain appropriate language, to be determined by the state revenue
20 commissioner, offering the taxpayer the opportunity to contribute to the trust fund by either
21 donating all or any part of any tax refund due, by authorizing a reduction in the refund
22 check otherwise payable, or by contributing any amount over and above any amount of tax
23 owed by adding that amount to the taxpayer's payment. The instructions accompanying
24 the income tax return form shall contain a description of the purposes for which this fund
25 was established and the intended use of moneys received from the contributions. Each
26 taxpayer required to file a state income tax return who desires to contribute to the trust fund

1 may designate such contribution as provided in this subsection on the appropriate income
2 tax return form.

3 (c) The Department of Revenue shall annually determine the total amount so contributed,
4 shall withhold therefrom a reasonable amount for administering this voluntary contribution
5 program, and shall transmit the balance to the department for deposit in the trust fund;
6 provided, however, the amount retained for administrative costs shall not exceed
7 \$50,000.00 per year. If, in any tax year, the administrative costs of the Department of
8 Revenue for collecting contributions pursuant to subsection (b) of this Code section exceed
9 the sum of such contributions, the administrative costs which the Department of Revenue
10 is authorized to withhold from such contributions shall not exceed the sum of such
11 contributions."

12 **SECTION 2.**

13 This Act shall become effective December 1, 2002, only if an amendment to the Constitution
14 authorizing the creation of the Cancer Care Trust Fund is approved by the voters in the
15 November election of 2002. If the amendment is not so approved, this Act shall be void and
16 of no effect and shall be automatically repealed December 1, 2002.

17 **SECTION 3.**

18 All laws and parts of laws in conflict with this Act are repealed.