

Regular Session, 2011

SENATE BILL NO. 30

BY SENATOR WALSWORTH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

REVENUE DEPARTMENT. Provides for donations of tax refunds to the Louisiana Bicentennial Commission through a check-off box on state income tax returns.

AN ACT

To enact Subpart O of Part 1 of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.38, relative to donations of refunds; to provide for such donations to the Louisiana Bicentennial Commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart O of Part 1 of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:120.38 is hereby enacted to read as follows:

SUBPART O. LOUISIANA BICENTENNIAL COMMISSION DONATION

§120.38. Income tax checkoff; donation for Louisiana Bicentennial Commission

A. Every individual who files an individual income tax return for the current tax year and who is entitled to a refund may designate on his current year return that all or any portion of the total amount of the refund to which he is entitled shall be donated to the Louisiana Bicentennial Commission, as provided for in Chapter 27 of Title 25 of the Louisiana Revised Statutes of 1950 (R.S. 25:1231, et seq.), in lieu of that amount being paid to him as a refund, in which case the refund shall be reduced by the amount so designated. The

1 designation shall be made at the time of the filing of the current year tax return
2 and shall be made on the income tax return form as prescribed by the secretary
3 of the Department of Revenue. No donation made under the provisions of this
4 Subsection shall be invalid for lack of an authentic act.

5 B.(1)(a) Funds received by the Department of Revenue as provided for
6 in Subsection B of this Section shall be deposited upon receipt in the state
7 treasury.

8 (b) After compliance with the requirements of Article VII, Section 9(B)
9 of the Constitution of Louisiana relative to the Bond Security and Redemption
10 Fund and prior to any money being placed into the general fund or any other
11 fund, an amount equal to that deposited as required by Subsection B shall be
12 credited by the treasurer to a special fund hereby created in the state treasury
13 to be known as the Bicentennial Refund Donation Fund. The money in the fund
14 shall be appropriated by the legislature to be used solely as provided for in
15 Paragraph 3 of this Subsection.

16 (2) The money in the fund shall be invested by the treasurer in the same
17 manner as money in the state general fund and interest earned on the
18 investment of the money shall be credited to the fund after compliance with the
19 requirements of Article VII, Section 9(B) relative to the Bond Security and
20 Redemption Fund. All unexpended and unencumbered money in the fund at the
21 end of the year shall remain in the fund.

22 (3) The money in the fund shall be appropriated by the legislature to be
23 used solely for the purposes provided for in Chapter 27 of such Title 25.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Riley Boudreaux.

DIGEST

Proposed law provides that any individual who files an individual income tax return may designate on his return all or any portion of his refund to the Louisiana Bicentennial Commission.

Proposed law requires that refunds donated be deposited in a special fund which is created in the state treasury, to be known as the Bicentennial Refund Donation Fund. The money in the fund is required to be appropriated by the legislature to be used solely for the purposes as provided for in the Louisiana Bicentennial Commission law.

(Adds R.S. 47:120.38)