

Regular Session, 2011

HOUSE BILL NO. 458

BY REPRESENTATIVE HILL

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

TAX/INCOME-INDIV/RETURN: Creates an individual income tax return checkoff for donations to the La. Food Bank Association

1 AN ACT

2 To enact Subpart BB of Part 1 of Chapter 1 of Subtitle II of Title 47 of the Louisiana
3 Revised Statutes of 1950, to be comprised of R.S. 47:120.95, relative to state
4 individual income tax return checkoffs for certain donations; to provide for a method
5 for individuals to donate a portion of any refund due to them to the Louisiana Food
6 Bank Association; to authorize and provide a method for the making of other
7 donations to the Louisiana Food Bank Association on the income tax return; to
8 provide for the disposition of donated monies; to establish the Louisiana Food Bank
9 Association Fund as a special escrow fund in the state treasury; to provide for the
10 administration and use of monies in the fund; to authorize the secretary of the
11 Department of Revenue to make certain deposits into the fund; to provide for an
12 effective date; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. Subpart BB of Part I of Chapter I of Subtitle II of Title 47 of the
15 Louisiana Revised Statutes of 1950, comprised of R.S. 47:120.95 is hereby enacted to read
16 as follows:

17 SUBPART BB. LOUISIANA FOOD BANK ASSOCIATION DONATION

18 §120.95. Income tax checkoff; donation for Louisiana Food Bank Association

19 A.(1) Donation of Refund. Every individual who files an individual income
20 tax return for the current tax year and who is entitled to a refund may designate on

1 his current year return that all or any portion of the total amount of the refund to
2 which he is entitled shall be donated to the Louisiana Food Bank Association, in lieu
3 of that amount being paid to him as a refund, in which case the refund shall be
4 reduced by the amount so designated. The designation shall be made at the time of
5 filing the current year tax return and shall be made upon the income tax return form
6 as prescribed by the secretary of the Department of Revenue, hereinafter referred to
7 as the "secretary". No donation made under the provisions of this Subpart shall be
8 invalid for want of an authentic act.

9 (2) Other donations. Every individual who files an individual income tax
10 return for the current tax year and who owes additional income tax may, in addition
11 to payment of that tax liability, make and pay an additional donation of money to the
12 Louisiana Food Bank Association. The donation shall be made at the time of filing
13 the current year tax return and shall be made upon the income tax return form as
14 prescribed by the secretary. No donation made under the provisions of this Subpart
15 shall be invalid for want of an authentic act.

16 B. There is hereby established in the state treasury a special escrow fund to
17 be known as the Louisiana Food Bank Association Fund, hereinafter referred to as
18 the "fund". The fund is established to receive deposits of donations made on
19 individual income tax returns for the benefit of the Louisiana Food Bank
20 Association. The fund shall be administered by the secretary, who is authorized to
21 retain from monies deposited into the fund amounts necessary to provide for
22 expenses associated with its administration. The secretary shall, every sixty days,
23 remit the remaining balance of monies in the fund to the Louisiana Food Bank
24 Association.

25 C.(1) Disposition of donated refunds. At the time the secretary determines
26 that a refund is due on a taxpayer's income tax return upon which a designation is
27 made for a donation to the Louisiana Food Bank Association, the secretary shall
28 transfer from general collections an amount equal to the amount of the donation to

1 be deposited in and credited to the fund. The secretary shall also maintain a register
2 of the amount of each donation and the name of the donor.

3 (2) Disposition of other donations. At the time the secretary determines that
4 a tax return for a taxpayer who owes additional taxes contains a payment of money
5 in excess of the taxes due and a designation by the taxpayer that the additional
6 monies represent a donation to the Louisiana Food Bank Association, the secretary
7 shall transfer from general collections an amount equal to the amount of the donation
8 for deposit in and credit to the fund.

9 Section 2. The provisions of this Act shall be effective for taxable years beginning
10 on and after January 1, 2012.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hill

HB No. 458

Abstract: Provides for an individual income tax checkoff for donations to the La. Food Bank Association.

Proposed law provides for an individual income tax checkoff under which an individual can donate a portion of his state income tax refund, or other monies, to the La. Food Bank Association.

Proposed law establishes the La. Food Bank Association Fund (hereinafter fund) as a special escrow fund in the state treasury, which is established to receive deposits of donations made on individual income tax returns for the benefit of the La. Food Bank Association, and which shall be administered by the secretary of the Dept. of Revenue. From monies deposited into the fund, the secretary is authorized to retain amounts necessary to provide for expenses associated with its administration. Requires the secretary to, every 60 days, remit the remaining balance of monies in the fund to the La. Food Bank Association.

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.

Effective for taxable years beginning on and after Jan. 1, 2012.

(Adds R.S. 47:120.95)