

Regular Session, 2011

SENATE BILL NO. 203

BY SENATOR PETERSON

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

TAX/INCOME/PERSONAL. Creates an individual income tax return checkoff for donations to the Louisiana Food Bank Association. (gov sig)

AN ACT

To enact Subpart BB of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.96, relative to state individual income tax return checkoffs for certain donations; to provide for a method for individuals to donate a portion of any refund due to them to the Louisiana Food Bank Association; to provide for the disposition of such donated monies; to establish the Louisiana Food Bank Association Fund as a special escrow fund in the state treasury; to provide for the administration and use of monies in the fund; to authorize the secretary of the Department of Revenue to make certain deposits into the fund; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart BB of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:120.96, is hereby enacted to read as follows:

SUBPART BB. LOUISIANA FOOD BANK ASSOCIATION DONATION

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

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

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

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

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

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

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

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

10 Section 2. The provisions of this Act shall be applicable to taxable years beginning
11 on or after January 1, 2012.

12 Section 3. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Angela L. DeJean.

DIGEST

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 Louisiana Food Bank Association.

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

Applicable to taxable years beginning on or after Jan. 1, 2012.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 47:120.96)