Regular Session, 2011

HOUSE BILL NO. 550

BY REPRESENTATIVE JOHNSON

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

TAX RETURN: The Louisiana Make-A-Wish Act to provide an individual income tax return checkoff for donations to the Make-A-Wish Foundation

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. 47:120.95, 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 Make-A-Wish Foundation of the Texas Gulf Coast and Louisiana for the purpose of granting wishes to children in Louisiana who have life-threatening medical conditions; to provide for the disposition of such donated monies; to establish the Make-A-Wish Foundation of the Texas Gulf Coast and Louisiana 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 reporting; 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. 47:120.95, is hereby enacted to read as follows:

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SUBPART BB. LOUISIANA MAKE-A-WISH ACT

§120.95. Income tax checkoff; Louisiana Make-A-Wish Act

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 Make-A-Wish Foundation of the Texas Gulf Coast and Louisiana, hereinafter referred to as the "foundation", in lieu of that amount being paid to him as a refund. In this case the refund shall be reduced by the amount so designated. The designation shall be made at the time of filing the current year tax return and shall be made upon the income tax return form as prescribed by the secretary of the Department of Revenue, hereinafter referred to as the "secretary". No donation made under the provisions of this Part shall be invalid for want of an authentic act.

B. There is hereby established in the state treasury a special escrow fund to be known as the Make-A-Wish Foundation of the Texas Gulf Coast and Louisiana Fund, hereinafter referred to as the "fund". The fund is established to receive deposits of donations made on individual income tax returns for the benefit of the foundation. The fund shall be administered by the secretary, who is authorized to retain from monies deposited into the fund amounts necessary to provide for expenses associated with its administration. The secretary shall, every three months, remit the remaining balance of monies in the fund to the foundation. The foundation shall use the monies derived from such donations for the purpose of granting wishes to children within Louisiana who have life-threatening medical conditions.

C. At the time the secretary determines that a refund is due on a taxpayer's income tax return upon which a designation is made for a donation to the foundation, the secretary shall transfer from general collections an amount equal to the amount of the donation to be deposited in and credited to the fund. This transfer shall occur within one hundred twenty days of the date upon which the return was received, or the due date of the return, whichever is later. The secretary shall also maintain a register of the amount of each donation and the name of the donor.

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D. The House of Representatives Committee on Ways and Means, may, at its discretion, request a report from the foundation relative to its operations. The form and content of the report shall be prescribed by the chairman of the committee, but shall at a minimum contain a detailed explanation of the revenues and expenditures, as well as a description of the organization's activities. The committee may summon any person employed by or associated with the foundation to provide testimony with respect to the report.

Section 2. The provisions of this Act shall be effective for taxable years beginning on or after January 1, 2011.

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)]

Johnson HB No. 550

Abstract: Provides the La. Make-A-Wish Act for an individual income tax checkoff for donations to the Make-A-Wish Foundation of the Texas Gulf Coast and La. for the purpose of granting wishes to children in La. who have life-threatening medical conditions.

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 Make-A-Wish Foundation of the Texas Gulf Coast and La. (hereinafter foundation) .

Proposed law establishes the Make-A-Wish Foundation of the Texas Gulf Coast and La. 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 foundation, 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 three months, remit the remaining balance of monies in the fund to the foundation.

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.

Proposed law authorizes the House Committee on Ways and Means, at its discretion, to request reports from the foundation relative to its operations. The form and content of the report shall be prescribed by the chairman of the committee, but shall at a minimum contain a detailed explanation of the revenues and expenditures, as well as a description of the organization's activities.

Effective for taxable years beginning on or after Jan. 1, 2011.

(Adds R.S. 47:120.95)

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