

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. (gov sig)

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 Battle of New Orleans 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 AND  
BATTLE OF NEW ORLEANS BICENTENNIAL COMMISSION DONATION**  
**§120.38. Income tax checkoff; donation for Louisiana Bicentennial Commission  
and Battle of New Orleans 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**

1 (R.S. 25:1231, et seq.), and Battle of New Orleans Bicentennial Commission, as  
2 provided for in Chapter 27-A of that Title (R.S. 25:1238.1 et seq.), in lieu of that  
3 amount being paid to him as a refund, in which case the refund shall be reduced  
4 by the amount so designated. The designation shall be made at the time of the  
5 filing of the current year tax return and shall be made on the income tax return  
6 form as prescribed by the secretary of the Department of Revenue. No donation  
7 made under the provisions of this Subsection shall be invalid for lack of an  
8 authentic act.

9 B.(1) Funds received by the Department of Revenue as provided for in  
10 Subsection B of this Section shall be remitted to Louisiana Historical Legacy  
11 Incorporated, a 501(c)(3) non-profit foundation, registered with the Louisiana  
12 Secretary of State's office, to accept donations to assist with funding the  
13 statutory missions of the Louisiana Bicentennial Commission and the Battle of  
14 New Orleans Bicentennial Commission.

15 (2) The donations remitted to Louisiana Historical Legacy Incorporated  
16 shall be used solely for the purposes provided for in Chapters 27 and 27-A of  
17 such Title 25.

18 (3) The annual reports required by R.S. 25:1238.5 and R.S. 25:1235 shall  
19 include an accounting of refund donations received and a detailed explanation  
20 of expenditures, as well as a description of the Louisiana Historical Legacy  
21 Incorporated 's activities.

22 Section 2. The provisions of this Act shall be applicable to taxable years beginning  
23 on or after January 1, 2011 and before January 1, 2016.

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

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

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DIGEST

Walsworth (SB 30)

Proposed law requires that refunds donated be remitted to the Louisiana Historical Legacy Incorporated, a 501(c)(3) non-profit foundation, which accepts donations to assist with funding the statutory missions of the Louisiana Bicentennial Commission and the Battle of New Orleans Bicentennial Commission.

Applicable to tax able years beginning on or after January 1, 2011 and before January 1, 2016.

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

(Adds R.S. 47:120.38)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill.

1. Includes the Battle of New Orleans Bicentennial Commission.
2. Instead of a deposit in a special fund in the state treasury, requires remittance to Louisiana Historical Legacy Incorporated.
3. Makes the law applicable for 5 tax years.