

Regular Session, 2011

HOUSE BILL NO. 458

BY REPRESENTATIVE HILL AND SENATORS ADLEY, DORSEY, ERDEY,
KOSTELKA, MARIONNEAUX, MORRELL, RISER, AND WILLARD-LEWIS

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

AN ACT

To enact Subpart BB 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. 47:120.95, 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 Louisiana Food Bank Association; to authorize and provide a method for the making of other donations to the Louisiana Food Bank Association on the income tax return; to provide for the disposition of 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 I 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:

SUBPART BB. LOUISIANA FOOD BANK ASSOCIATION DONATION

§120.95. 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 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 state treasurer, who shall every
21 sixty days, remit the remaining balance of monies in the fund to the Louisiana Food
22 Bank Association.

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____