

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 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.

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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)]

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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 state treasurer. The treasurer shall remit the balance of monies in the fund to the La. Food Bank Association every 60 days.

Proposed law provides that the House Committee on Ways and Means may request a report of the association with regard to its operations and finances. The committee may also summon any employee or representative of the association to provide testimony with respect to the report.

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

(Adds R.S. 47:120.95)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Ways and Means to the original bill.

1. Changed responsibility for administration of the fund and remittance of monies to the La. Food Bank Association from the secretary of the Dept. of Revenue to the treasurer.
2. Changed the effectiveness from Jan. 1, 2012, to Jan. 1, 2011.
3. Added authority for the House Committee on Ways and Means to request reports and other information from representatives of the association.

Committee Amendments Proposed by House Committee on Appropriations to the engrossed bill.

1. Specified that the "treasurer" is the "state treasurer".