SLS 11RS-344 **ENGROSSED**

Regular Session, 2011

SENATE BILL NO. 203

BY SENATORS PETERSON, DORSEY, ERDEY, JACKSON, MARIONNEAUX, MORRELL, RISER, SHAW AND WILLARD-LEWIS

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 treasurer 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. 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

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

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 Food Bank Association, in lieu of that amount being paid to him as a refund, in which 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 treasurer a special escrow fund to be known as the Louisiana Food Bank Association 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 Louisiana Food Bank Association. The fund shall be administered by the treasurer, who shall every sixty days, remit the remaining balance of monies in the fund to the Louisiana Food Bank Association.

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

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

The original instrument was prepared by Angela Lockett De Jean. The following digest, which does not constitute a part of the legislative instrument, was prepared by Riley Boudreaux.

DIGEST

Peterson (SB 203)

Proposed law provides for an individual income tax checkoff under which an individual can donate a portion of his state income tax refund to the Louisiana Food Bank Association.

Proposed law establishes the Louisiana Food Bank Association 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. The treasurer is required to remit the remaining balance of monies in the fund to the Louisiana Food Bank Association every 60 days.

Applicable to taxable years beginning on or after Jan. 1, 2011.

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

(Adds R.S. 47:120.96)

Summary of Amendments Adopted by Senate

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

1. Authorizes the check off for the 2011 tax year.

2. Eliminates ability of a taxpayer to donate other money besides a refund to the fund.

3. Transfer administration of the fund from the secretary of the Department of Revenue to the treasurer and deletes a provision allowing retaining of money to offset administrative costs.