

CHAPTER 159

(HB 419)

AN ACT relating to an income tax checkoff for local food banks.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

- (1) *Effective for taxable years beginning on or after January 1, 2013, any taxpayer required to file a return under KRS 141.180 who is entitled to an income tax refund and who desires to contribute to the farms to food banks trust fund created under Section 2 of this Act may designate an amount, not to exceed the amount of the refund, to be paid to the fund. A designation made under this section shall not affect the income tax liability of the taxpayer, but it shall reduce the income tax refund by the amount designated.*
- (2) *The tax refund designation authorized by this section shall be printed on the face of the Kentucky individual income tax form.*
- (3) *The instructions accompanying the individual income tax return shall include a description of the farms to food banks trust fund and the purposes for which the funds from the income tax checkoff may be used.*
- (4) *The secretary of the Revenue Cabinet shall, by July 1, 2014, and by July 1 of each year thereafter, transfer the funds designated by taxpayers under this section to the farms to food banks trust fund created by Section 2 of this Act.*

➔Section 2. KRS 247.985 is amended to read as follows:

- (1) *The farms to food banks trust fund is hereby created in the State Treasury as a restricted account to be administered by the department with advice from the Surplus Agricultural Commodities Advisory Committee established by Section 3 of this Act, for the purposes provided in this section.*
- (2) *The fund shall receive amounts collected from the income tax checkoff created in Section 1 of this Act, and any other proceeds from grants, contributions, appropriations, or other moneys made available for the purposes of this fund.*
- (3)~~(2)~~ *Notwithstanding KRS 45.229, any moneys accruing to this fund in any fiscal year, including state appropriations, gifts, grants, federal funds, interest, and any other funds both public and private, shall not lapse but shall be carried forward to the next fiscal year.*
- (4)~~(3)~~ *Moneys received in the fund shall only be used for awarding grants to eligible nonprofit organizations pursuant to*~~carrying out~~ *KRS 247.980 to 247.986.*

➔Section 3. KRS 247.984 is amended to read as follows:

- (1) *The Surplus Agricultural Commodities Advisory Committee is hereby created for the purpose of advising the department concerning the implementation and administration of the program established under KRS 247.980 to 247.986. The committee shall be composed of no fewer than ten (10) but no more than fifteen (15) members appointed by the Commissioner. Membership on the committee shall include:*
 - (a) *Food and nutrition advocates;*
 - (b) *Regional food bank representatives;*
 - (c) *Local government representatives;*
 - (d) *Representatives of the department and Governor's Office;*
 - (e) *Agricultural commodity producers;*
 - (f) *Representatives of farm advocacy groups;*
 - (g) *Representatives of Kentucky public or private colleges and universities; and*
 - (h) *At-large members designated by the Commissioner.*
- (2) *The advisory committee shall elect a chairperson during the first organizational meeting.*
- (3) *The committee shall:*

- (a) Advise the department concerning the implementation and administration of KRS 247.980 to 247.986;{
~~and~~}
 - (b) Make recommendations to the department regarding the content of administrative regulations promulgated by the department in accordance with KRS 247.980 to 247.986;
 - (c) *Advise the department on administration of the fund created pursuant to Section 2 of this Act by developing a written plan for the expenditure of funds. The initial plan shall be completed on or before October 1, 2013, and shall be reviewed and updated if needed on an annual basis on or before October 1 of each year thereafter. The plan shall, at a minimum, include the following:*
 - 1. *A summary of existing food banks in Kentucky;*
 - 2. *An evaluation of the needs of the hungry in Kentucky, including the population of areas served by food banks, the percent of the population that is at or below the federal poverty level, an estimate of the number of school children who receive free or reduced meals, and other criteria that can measure need; and*
 - 3. *A proposal for distributing funds to areas of recognized need; and*
 - (d) *Provide to the Governor and the Legislative Research Commission an annual report by October 1 of each year. The initial report shall include the plan developed under paragraph (c) of this subsection for the expenditure of funds. The initial and future reports shall include details of the amounts and recipients of funds distributed.*
- (4) Appointed committee members may be reimbursed for reasonable and necessary expenses incurred while engaged in carrying out the official duties of the committee.
 - (5) The committee shall be attached to the Department of Agriculture for administrative purposes.

Signed by Governor April 23, 2012.