



SPONSOR: Rep. Capano &  
Sen. Cook

HOUSE OF REPRESENTATIVES

140th GENERAL ASSEMBLY

HOUSE BILL NO.

AN ACT TO AMEND TITLES 7, 16, 29, 30, AND 31 OF THE DELAWARE CODE RELATING TO  
DELAWARE PERSONAL INCOME TAX CHECKOFF PROGRAMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1       Section 1. Amend Chapter 11, Title 30 of the Delaware Code by adding to said chapter a new Subchapter IX  
2 to read as follows:

3       “SUBCHAPTER IX. INCOME TAX CHECKOFF PROGRAMS.

4       § 1181. Procedures for contributions to the Delaware Non-game Fish and Wildlife, habitat and  
5 Natural Areas Preservation Fund.

6       (a) The Division of Revenue shall provide a space on the Delaware income tax return form  
7 whereby an individual may voluntarily designate a contribution of any amount to the Delaware Non-  
8 game Fish and Wildlife, Non-game Habitat and Natural Areas Preservation Fund established in § 204  
9 of Title 7.

10       (b) The amount so designated by an individual on the income tax return form shall be deducted  
11 from the tax refund to which such individual is entitled; or the amount so designated may be added to  
12 the individual's payment of taxes due and shall not be included in the general revenue of the State.

13       (c) The Division of Revenue shall determine the total amount designated pursuant to this section  
14 and shall transfer such amount to the Delaware Non-game Fish and Wildlife, Non-game Habitat and  
15 Natural Areas Preservation Fund.

16       (d) To accomplish the purpose of the Fund, the Department of Natural Resources and  
17 Environmental control, with the cooperation of the Division of Revenue, shall use the Fund to provide  
18 adequate educational information, including instructions which accompany state income tax return  
19 forms.

20 § 1182. Organ and Tissue Donor Awareness Trust Fund Contributions.

21 (a) The Division of Revenue shall provide a space on the state individual income tax form  
22 whereby an individual may voluntarily designate a contribution of any amount desired to the Organ  
23 and Tissue Donor Awareness Trust Fund created by § 2729 of Title 16. The amount so designated by  
24 an individual on the state income tax return form shall be deducted from the tax refund to which the  
25 individual is entitled or added to the individual's payment and shall not constitute a charge against the  
26 income tax revenues due the state.

27 (b) All contributions to the Organ and Tissue Donor Awareness Trust Fund shall be deposited  
28 into the Fund within 20 days after receipt of such funds.

29 § 1183. Emergency Housing Assistance Fund.

30 (a) The Division of Revenue shall provide a space on the Delaware income tax return form  
31 whereby an individual may voluntarily designate a contribution of any amount to the Delaware  
32 Emergency Housing Assistance Fund established in § 7953 of Title 29 of the Delaware Code.

33 (b) The amount so designated by an individual on the income tax return form shall be deducted  
34 from the tax refund to which such individual is entitled or the amount so designated may be added to  
35 the individual's payment of taxes due and shall not be included in the general revenue of the State.

36 (c) The Division of Revenue shall determine the total amount designated pursuant to this section  
37 and shall transfer such amount to the Emergency Housing Assistance Fund.

38 (d) To accomplish the purpose of this program, the Department of Health and Social Services,  
39 with the cooperation of the Division of Revenue shall use the Fund to provide adequate educational  
40 information, including instructions which accompany state income tax return forms.

41 § 1184. U. S. Olympics account.

42 (a) There is hereby established, within the Office of the State Treasurer, a U. S. Olympics  
43 account, for individuals who claim an overpayment of taxes to designate an amount to be deposited in  
44 such an account or individuals who have an income tax liability to designate an amount to be  
45 deposited to such an account, pursuant to subsections (b) and (c) of this section.

46 (b) The amount designated shall be deducted from the refund that would otherwise be payable  
47 to the individual and paid to the U. S. Olympic Committee, a congressionally chartered corporation  
48 under Public Law 95-606, 36 U. S. C. § 371 *et seq.* The Director of the Division of Revenue or the

Director's designee shall forward the amounts designated to the Office of the State Treasurer which shall deposit them to the credit of the U. S. Olympics account.

(c) An individual who has an income tax liability may, in addition to this obligation, include a donation to be deposited with the State Treasurer which shall be placed in the U. S. Olympics account.

(d) The Division of Revenue shall provide a space on the Delaware income tax return form whereby an individual may voluntarily designate a contribution to the U. S. Olympic Committee.

(e) The amount so designated by the individual on the income tax return form shall be deducted from the tax refund to which such individual is entitled, or the amount so designated may be added to the individual's payment of taxes due and shall not be included in the general revenue of the State.

(f) The Division of Revenue shall determine the total amount designated pursuant to this section and shall forward such amount to the U. S. Olympics account.

(g) No less than annually, the State Auditor shall draw a warrant payable to the U. S. Olympic Committee upon presentation of proper vouchers from the Division of Accounting. The amount of the warrant shall be the amount which has been designated by the contributing individuals as provided in subsections (b) and (c) of this section and verified by the Division of Revenue to be placed in the U. S. Olympics account by the State Treasurer or the State Treasurer's designee.

#### § 1185. Delaware Breast Cancer Education and Early Detection Fund.

(a) There is hereby established a Breast Cancer Education and Early Detection Fund for individuals who claim an overpayment of taxes to designate an amount to be deposited in such an account or individuals who have an income tax liability to designate an amount to be paid to that Fund, pursuant to subsection (b) and (c) of this section.

(b) An individual who claims an overpayment of taxes on an income tax return may designate a contribution to be deducted from the refund that would otherwise be payable to the individual and paid to the breast Cancer Education and Early Detection Fund. The Division of Revenue shall forward the amounts so designated to Women and Wellness, Inc., who shall deposit them to the credit of the Delaware chapter of the National Breast Cancer Coalition to be used for breast cancer education and early detection.

77 (c) An individual who has an income tax liability may, in addition to the obligation, include a  
78 donation to be paid to the Breast Cancer Education and Early Detection Fund. The Division of  
79 Revenue shall forward the amounts so designated to Women and Wellness, Inc., who shall deposit  
80 them to the credit of the Delaware Chapter of the National Breast Cancer Coalition to be used for  
81 breast cancer education and early detection.

82 (d) The Division of Revenue shall provide a space on the Delaware income tax return form  
83 whereby an individual may voluntarily designate a contribution to the Breast Cancer Education and  
84 Early Detection Fund.

85 (e) The amount so designated by the individual on the income tax return form shall be deducted  
86 from the tax refund to which such individual is entitled, or the amount so designated may be added to  
87 the individual's payment of taxes due and shall not be included in the general revenue of the State.

88 (f) From time to time as determined by the Delaware State Clearinghouse Committee, Women  
89 and Wellness, Inc., shall submit a detailed report of the Committee of revenues, expenditures and  
90 program measures for the fiscal period in question. Such report shall also be sufficiently descriptive  
91 in nature so as to be concise and informative. The Committee may cause it to appear before the  
92 Committee and to answer such questions as the committee may require.

93 § 1186. Delaware Children's Trust fund.

94 (a) Until the administrator of the Delaware Children's Trust Fund, created in accordance with  
95 Chapter 4 of Title 31, certifies that the assets in the Fund exceed \$2,000,000, every person who files  
96 an individual state income tax return and who is entitled to a refund may designate that all or any  
97 portion of the total amount of the refund shall be donated to the Children's Trust Fund in lieu of that  
98 amount being returned to him/her. In the case of a joint return of husband or wife who are entitled to  
99 a tax refund, a designation may be made for all or any portion of the total amount of the refund to be  
100 donated to the Fund in lieu of that amount being returned to them. The designation shall be made at  
101 the time of the filing of the tax return and shall be made upon the income tax return form as  
102 prescribed by the Division of Revenue.

103 (b) The tax designation authorized in this section shall be clearly and unambiguously printed on  
104 the state individual income tax return.

(c) Upon receipt of any taxpayer's income tax return upon which a designation to the Fund has been made, the Division of Revenue shall enter in a central record the amount of the donation and the name of the donor. The Director shall forward such amounts directly to the Trust Fund's administrator for deposit in the Fund."

Section 2. Amend Title 7 of the Delaware Code by striking in its entirety § 203 of said title.

Section 3. Amend § 2728, Title 16 of the Delaware Code, by striking subsection (b) of said section in its entirety and by designating the remaining portions of said section as § of said title.

Section 4. Amend § 2729(b), Title 16 of the Delaware Code, by striking said subsection in its entirety and by designating existing subsection (b) as new subsection (c) of said section.

Section 5. Amend Title 29 of the Delaware Code by striking in its entirety § 7952 of said title.

Section 6. Amend Title 30 of the Delaware Code by striking in their entirety § 1157 and § 1159 of said title.

Section 7. Amend § 407, Title 31 of the Delaware Code by striking subsections (b) , (c), and (d) of said section and re-designating the remaining subsections of said § 407 accordingly.

Section 8. Amend § 563, Title 30 of the Delaware Code, by adding to said section a new subsection (d) to read as follows:

"(d) The Director may, on behalf of any fund identified in subchapter IX of Chapter 11, mail communications to taxpayers who have donated to such funds under the provisions of that subchapter and shall charge such fund the full cost of any such mailing."

Section 9. Sections 1 through 7 of this Act are intended only to amend the location of various provisions within the Delaware Code and not to change existing law. Section 8 shall be effective for donations made on returns filed on or after January 1, 1998.

#### SYNOPSIS

Delaware has six programs supported by donations of personal income tax refunds or additional payments of tax. This is accomplished by checking one or more of several boxes on the personal income tax return to designate a program and the amount of a taxpayer's contribution.

The programs are the Delaware Non-game Fish and Wildlife, habitat and Natural Areas Preservation Fund; the Organ and Tissue Donor Awareness Trust Fund; the Emergency Housing Assistance Fund; the U. S. Olympics account; the Delaware Breast Cancer Education and Early Detection Fund; and the Delaware Children's Trust Fund. The statutes creating the funds and authorizing payment of donations are scattered throughout five titles of the Delaware Code.

This bill will consolidate all existing income tax refund check-off provisions in a single subchapter of Title 30, chapter 11, relating to personal income taxes and streamline and modernize the language of these provisions without changing their meaning or operation. In most cases the statutes enabling the creation and administration of the funds remain in the respective titles of the Delaware Code where originally enacted.

For returns received in 1998 and thereafter, the Bill allows the Division of Revenue to mail communications to donors on behalf of the recognized charity and avoids disclosure to the charity of the identity of donors.